

MISSOURI  
HOUSE OF REPRESENTATIVES

STEVEN TILLEY  
SPEAKER

**SUMMARIES OF  
TRULY AGREED TO AND  
FINALLY PASSED BILLS**

**96<sup>th</sup> GENERAL ASSEMBLY  
FIRST REGULAR SESSION**



Prepared by  
**HOUSE RESEARCH**

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## MISSOURI HOUSE OF REPRESENTATIVES

July 2011

*Dear Fellow Missourian,*

*The many challenges Missouri families and businesses currently face inspired the General Assembly to work hard to work together, in a bipartisan fashion, to find common sense ways to create jobs, improve our economy, and ensure a responsible state government which does more with less. Despite diminished revenue, we were able to pass a balanced budget that continues to provide funding for our priorities without raising taxes for you and your families. We believe that your Missouri state government must live within its means just like Missouri families must. That is why when times got tough, the House of Representatives made cuts to its own budget and additionally reduced waste, fraud, and abuse elsewhere in state government.*

*The 2011 session also produced a number of common sense pieces of legislation to improve the quality of life for you, your family, and your friends. Your tax dollars will be protected from waste by a new law requiring drug testing for welfare recipients. Your community will be safer thanks to strengthened laws against human trafficking, domestic violence, and synthetic drugs. Your economic opportunities will improve thanks to the passage of a business relief package known as the "Big Government Get Off My Back Act" and through the reduction of taxes on thousands of Missouri businesses. We believe these common sense reforms, as well as the many others detailed in this booklet, will help give Missouri families and businesses the relief needed during these tough times.*

*This booklet contains indexed summaries of all legislation passed during the 2011 session. The Missouri House of Representatives makes this booklet available to better inform you of the work of the General Assembly. I hope you find the information contained to be helpful.*

*Sincerely,*

*Steven Tilley*  
Steven Tilley  
Speaker



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## **ABBREVIATIONS**

**HB — House Bill**

**HCS — House Committee Substitute**

**HJR — House Joint Resolution**

**SB — Senate Bill**

**SCS — Senate Committee Substitute**

**SJR — Senate Joint Resolution**

**SS — Senate Substitute**

**CCS — Conference Committee Substitute**

## **EFFECTIVE DATE OF BILLS**

Unless they have a referendum clause, all bills are subject to approval or veto by the Governor. Regular session bills approved by the Governor become effective on August 28, 2011, unless another date is specified in the bill or the bill contains an emergency clause. A bill with an emergency clause becomes effective upon approval of the Governor except where a later date is specified.

**TRULY AGREED TO AND FINALLY PASSED**  
**HOUSE BILLS**





**OPERATING APPROPRIATIONS SUMMARY**

<b>House Bill</b>		<b>FY 2011 Budget</b>	<b>FY 2012 After Veto</b>
<b>1</b>	<b><u>Public Debt</u></b>		
	General Revenue	\$34,891,457	\$75,335,644
	Federal Funds	0	0
	Federal Stabilization	0	0
	Other Funds	13,463,215	2,030,806
	<b>Total</b>	<b>\$48,354,672</b>	<b>\$77,366,450</b>
<b>2</b>	<b><u>Elementary and Secondary Education</u></b>		
	General Revenue	\$2,720,046,017	\$2,749,599,010
	Federal Funds	997,828,378	981,586,860
	Federal Stabilization	246,557,436	64,918,743
	Other Funds	1,398,673,044	1,470,310,553
	<b>Total</b>	<b>\$5,363,104,875</b>	<b>\$5,266,415,166</b>
	FTE Total	1,717.26	1,711.26
<b>3</b>	<b><u>Higher Education</u></b>		
	General Revenue	\$911,637,406	\$834,133,784
	Federal Funds	6,168,003	7,268,774
	Federal Stabilization	39,952,504	0
	Other Funds	273,724,914	313,921,077
	<b>Total</b>	<b>\$1,231,482,827</b>	<b>\$1,155,323,635</b>
	FTE Total	75.67	75.67
<b>4</b>	<b><u>Revenue</u></b>		
	General Revenue	\$71,461,586	\$75,481,322
	Federal Funds	6,865,545	6,865,545
	Federal Stabilization	0	0
	Other Funds	353,363,570	351,225,010
	<b>Total</b>	<b>\$431,690,701</b>	<b>\$433,571,877</b>
	FTE Total	1,418.35	1,443.35
<b>4</b>	<b><u>Transportation</u></b>		
	General Revenue	\$15,334,842	\$9,094,129
	Federal Funds	75,181,950	116,946,746
	Federal Stabilization	0	0
	Other Funds	2,536,127,492	2,131,752,017
	<b>Total</b>	<b>\$2,626,644,284</b>	<b>\$2,257,792,892</b>
	FTE Total	6,616.68	6,416.68
<b>5</b>	<b><u>Office of Administration</u></b>		
	General Revenue	\$149,923,090	\$116,167,198
	Federal Funds	72,282,149	74,104,464
	Federal Stabilization	528,000	0
	Other Funds	63,880,818	56,145,301
	<b>Total</b>	<b>\$286,614,057</b>	<b>\$246,416,963</b>
	FTE Total	2,203.07	2,253.57
<b>5</b>	<b><u>Employee Benefits</u></b>		
	General Revenue	\$532,813,437	\$494,438,215
	Federal Funds	196,247,991	175,358,959
	Federal Stabilization	0	0
	Other Funds	170,627,563	144,573,725
	<b>Total</b>	<b>\$899,688,991</b>	<b>\$814,370,899</b>

**OPERATING APPROPRIATIONS SUMMARY**

<b>House Bill</b>		<b>FY 2011 Budget</b>	<b>FY 2012 After Veto</b>
<b>6</b>	<b><u>Agriculture</u></b>		
	General Revenue	\$22,847,496	\$26,244,449
	Federal Funds	4,317,568	4,475,585
	Federal Stabilization	0	0
	Other Funds	14,518,318	19,616,014
	<b>Total</b>	<b>\$41,683,382</b>	<b>\$50,336,048</b>
	FTE Total	393.31	409.81
<b>6</b>	<b><u>Natural Resources</u></b>		
	General Revenue	\$9,038,406	\$9,098,158
	Federal Funds	44,426,749	44,513,863
	Federal Stabilization	0	0
	Other Funds	256,815,232	256,195,821
	<b>Total</b>	<b>\$310,280,387</b>	<b>\$309,807,842</b>
	FTE Total	1,782.06	1,784.06
<b>6</b>	<b><u>Conservation</u></b>		
	General Revenue	\$0	\$0
	Federal Funds	0	0
	Federal Stabilization	0	0
	Other Funds	145,534,841	145,467,841
	<b>Total</b>	<b>\$145,534,841</b>	<b>\$145,467,841</b>
	FTE Total	1,843.81	1,842.81
<b>7</b>	<b><u>Economic Development</u></b>		
	General Revenue	\$38,882,809	\$39,690,102
	Federal Funds	164,142,199	174,105,100
	Federal Stabilization	0	0
	Other Funds	53,752,363	51,028,105
	<b>Total</b>	<b>\$256,777,371</b>	<b>\$264,823,307</b>
	FTE Total	967.37	967.37
<b>7</b>	<b><u>Insurance, Financial Institutions and Professional Registration</u></b>		
	General Revenue	\$0	\$0
	Federal Funds	1,700,000	3,112,803
	Federal Stabilization	0	0
	Other Funds	36,439,040	36,991,595
	<b>Total</b>	<b>\$38,139,040</b>	<b>\$40,104,398</b>
	FTE Total	550.15	583.15
<b>7</b>	<b><u>Labor and Industrial Relations</u></b>		
	General Revenue	\$1,982,423	\$1,822,336
	Federal Funds	47,950,558	48,189,442
	Federal Stabilization	0	0
	Other Funds	62,508,565	62,269,681
	<b>Total</b>	<b>\$112,441,546</b>	<b>\$112,281,459</b>
	FTE Total	827.86	824.06
<b>8</b>	<b><u>Public Safety</u></b>		
	General Revenue	\$54,268,676	\$55,697,789
	Federal Funds	113,090,687	115,503,598
	Federal Stabilization	0	0
	Other Funds	356,463,182	371,272,190
	<b>Total</b>	<b>\$523,822,545</b>	<b>\$542,473,577</b>
	FTE Total	4,973.91	4,960.41

**OPERATING APPROPRIATIONS SUMMARY**

<b>House Bill</b>		<b>FY 2011 Budget</b>	<b>FY 2012 After Veto</b>
<b>9</b>	<b><u>Corrections</u></b>		
	General Revenue	\$593,435,940	\$595,281,878
	Federal Funds	10,434,834	10,003,791
	Federal Stabilization	0	0
	Other Funds	56,163,438	54,441,661
	<b>Total</b>	<b>\$660,034,212</b>	<b>\$659,727,330</b>
	FTE Total	11,151.85	11,046.85
<b>10</b>	<b><u>Mental Health</u></b>		
	General Revenue	\$575,426,388	\$563,479,258
	Federal Funds	578,775,972	632,094,832
	Federal Stabilization	0	0
	Other Funds	44,827,524	42,469,399
	<b>Total</b>	<b>\$1,199,029,884</b>	<b>\$1,238,043,489</b>
	FTE Total	7,873.94	7,440.49
<b>10</b>	<b><u>Health</u></b>		
	General Revenue	\$247,405,720	\$260,631,836
	Federal Funds	647,854,155	697,909,685
	Federal Stabilization	0	0
	Other Funds	25,644,597	18,676,450
	<b>Total</b>	<b>\$920,904,472</b>	<b>\$977,217,971</b>
	FTE Total	1,833.65	1,726.92
<b>11</b>	<b><u>Social Services</u></b>		
	General Revenue	\$1,458,352,466	\$1,594,286,317
	Federal Funds	4,011,581,216	4,326,035,467
	Federal Stabilization	0	0
	Other Funds	2,186,658,673	2,203,530,740
	<b>Total</b>	<b>\$7,656,592,355</b>	<b>\$8,123,852,524</b>
	FTE Total	7,759.68	7,355.18
<b>12</b>	<b><u>Elected Officials</u></b>		
	General Revenue	\$45,840,381	\$44,296,948
	Federal Funds	22,484,598	19,974,231
	Federal Stabilization	0	0
	Other Funds	43,993,721	42,282,788
	<b>Total</b>	<b>\$112,318,700</b>	<b>\$106,553,967</b>
	FTE Total	992.02	993.02
<b>12</b>	<b><u>Judiciary</u></b>		
	General Revenue	\$169,074,144	\$170,073,644
	Federal Funds	10,408,187	10,474,989
	Federal Stabilization	0	0
	Other Funds	10,292,942	10,292,942
	<b>Total</b>	<b>\$189,775,273</b>	<b>\$190,841,575</b>
	FTE Total	3,406.05	3,406.05
<b>12</b>	<b><u>Public Defender</u></b>		
	General Revenue	\$34,707,100	\$34,707,100
	Federal Funds	125,000	125,000
	Federal Stabilization	0	0
	Other Funds	2,980,263	2,980,263
	<b>Total</b>	<b>\$37,812,363</b>	<b>\$37,812,363</b>
	FTE Total	572.13	587.13

**OPERATING APPROPRIATIONS SUMMARY**

<b>House Bill</b>	<b>FY 2011 Budget</b>	<b>FY 2012 After Veto</b>
<b>12    <u>General Assembly</u></b>		
General Revenue	\$33,213,211	\$32,645,341
Federal Funds	0	0
Federal Stabilization	0	0
Other Funds	<u>292,255</u>	<u>292,255</u>
<b>Total</b>	<b>\$33,505,466</b>	<b>\$32,937,596</b>
FTE Total	688.17	680.17
<b>13    <u>Statewide Leasing</u></b>		
General Revenue	\$112,267,504	\$115,307,171
Federal Funds	23,195,547	22,022,899
Federal Stabilization	0	0
Other Funds	<u>12,931,904</u>	<u>12,457,475</u>
<b>Total</b>	<b>\$148,394,955</b>	<b>\$149,787,545</b>
<b><u>TOTAL OPERATING BUDGET</u></b>		
General Revenue	\$7,832,850,499	\$7,897,511,629
Federal Funds	7,035,061,286	7,470,672,633
Federal Stabilization	287,037,940	64,918,743
Other Funds	<u>8,119,677,474</u>	<u>7,800,223,709</u>
<b>Total</b>	<b>\$23,274,627,199</b>	<b>\$23,233,326,714</b>
FTE Total	57,646.99	56,508.01

## Supplemental Appropriations and Federal Stimulus Reappropriations

House Bill		FY 2011 After Veto
14	<b><u>Supplementals - Operating</u></b>	
	General Revenue	\$103,445,300
	Federal Funds	106,635,585
	Federal Stabilization	1,489,649
	Other Funds	<u>15,446,723</u>
	<b>Total</b>	<b>\$227,017,257</b>
	FTE Total	2.50
15	<b><u>Supplementals - Operating</u></b>	
	General Revenue	\$0
	Federal Funds	0
	Federal Stabilization	189,727,725
	Other Funds	<u>0</u>
	<b>Total</b>	<b>\$189,727,725</b>
17	<b><u>Regular Reappropriations</u></b>	
	Appropriates unexpended balances as of June 30, 2011, for capital improvements previously authorized in other appropriations.	
18	<b><u>Federal Stimulus Reappropriations</u></b>	
	Appropriates unexpended balances as of June 30, 2011, for federal stimulus funds previously authorized in other appropriations.	



**SCS HCS HB 38 — WORK-OFF RATE FOR MUNICIPAL PRISONERS AND NOTIFICATION OF JAIL ESCAPES**

This bill increases the work-off rate for municipal prisoners from \$10 per day to a portion of the judgment that is equal to the greater of the actual daily incarceration cost or the amount that the municipality is reimbursed by the state for the incarceration.

The chief law enforcement official responsible for a municipal detention facility or a county or regional jail or the chief administrator of a private jail must make notification to the Missouri Uniform Law Enforcement System (MULES) as soon as reasonably possible, but no later than five hours, after an escape of a prisoner who has been convicted of murder in the first degree or a dangerous felony or who is being held on suspicion of having committed murder in the first degree or a dangerous felony. The notification may include the name, description, and photograph of the prisoner as well as any other relevant facts. It must also include the crimes for which the person was incarcerated and contact information for the jail or detention facility in order to report information concerning the whereabouts of the escapee.

**SS SCS HCS HB 45 — SMALL BUSINESS TAX RELIEF**

This bill changes the laws regarding the Big Government Get Off My Back Act which provides tax relief to certain small businesses. In its main provisions, the bill:

(1) Specifies that any federal mandate compelling the state to enact, enforce, or administer a federal regulatory program must be subject to authorization through appropriation or statutory enactment;

(2) Extends from four years to five years the restriction on an increase of any state-imposed user fee and the requirement that any state agency proposing a rule must certify that it does not have an adverse impact on small businesses; that it is necessary to protect the life, health, or safety of the public; or that any small business is exempt from the rule;

(3) Revises the definition of “small business” to include businesses with fewer than 50 employees instead of the current 25; and

(4) Authorizes, for tax years 2011 through 2014, an income tax deduction for a small business for each full-time job created with an annual salary of at least the county average wage as determined by the Department of Economic Development. To be a full-time job, the employee must work at least an average of 35 hours per week for a 52-week period. The business will be allowed a deduction of \$10,000

for each new full-time job created or \$20,000 for each full-time job if the business offers health insurance and pays at least 50% of the premiums.

The provisions of the bill regarding the income tax deduction will expire December 31 three years from the effective date.

**HB 68 — EMERGENCY TELEPHONE SERVICE**

This bill prohibits a political subdivision from imposing a fine or penalty on the owner of a pay telephone or on the owner of any property upon which a pay telephone is located for a call made to an emergency telephone service from the pay telephone.

**HCS HB 70 — COUNTY HIGHWAY COMMISSIONS**

This bill changes the compensation for members of a county highway commission who are not also members of the county's governing body from \$15 per day for the first meeting of each month and \$5 for each additional meeting during the month to an amount per meeting not to exceed \$100 as established by the county's governing body. The mileage allowance for those members is also changed from eight cents per mile actually and necessarily traveled in the performance of their duties to the same amount per mile received by the members of the county's governing body. A member of the commission who is also a member of the county's governing body will not receive any compensation or mileage allowance for his or her service to the commission.

**SS SCS HCS HB 73 & 47 — TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM**

This bill requires the Department of Social Services to develop a program to screen each applicant for or recipient of Temporary Assistance for Needy Families (TANF) Program benefits and test, using a urine dipstick five panel test, each person whom the department has reasonable cause to believe, based on the screening, engages in the illegal use of a controlled substance. An applicant or recipient who tested positive for the illegal use of a controlled substance which has not been prescribed by a licensed health care provider or who refuses to submit to a test must, after an administrative hearing by the department, be declared ineligible for TANF benefits for three years from the date of the administrative hearing decision and must be referred to an appropriate substance abuse treatment program approved by the Division of Alcohol and Drug Abuse within the Department of Mental Health. However, an applicant or recipient who, after being referred by

the department, enters and successfully completes a substance abuse treatment program and does not test positive for the illegal use of a controlled substance for six months from the date of entry into the program will continue to receive benefits while participating in the program. The department may test these individuals for illegal drug use at random or set intervals, at the department's discretion, after the initial six months; and if the individual tests positive a second time, he or she will be declared ineligible for TANF benefits for a period of three years from the date of the administrative hearing decision.

The case worker of an applicant or recipient is required to report or cause a report to be made to the Children's Division within the Department of Social Services of any suspected child abuse as a result of drug abuse when an applicant or recipient has tested positive for the illegal use of a controlled substance or has refused to be tested. Any member of a household which includes a person who has been declared ineligible for TANF benefits, if otherwise eligible, will continue to receive benefits as protective or vendor payments to a third-party payee.

The electronic benefits card distributed to a recipient of TANF benefits must have imprinted on the card a photograph of the recipient or protective payee authorized to use the card and cannot be accepted for use at a retail establishment if the photograph does not match the person presenting the card. A card will expire and be subject to renewal after three years.

### **HCS HB 83 — AUTOMATED TELLER MACHINE SURCHARGES**

This bill specifies that an agreement to operate or share an automated teller machine (ATM) cannot prohibit the owner or operator of the machine from imposing an access fee or surcharge on an individual conducting a transaction using a foreign bank account if the fee or surcharge is not otherwise prohibited by federal or state law. Currently, foreign banks, trust companies, and credit unions may charge fees but domestic ones cannot.

### **SS#2 SCS HCS HB 89 — NATURAL RESOURCES**

This bill changes the laws regarding natural resources.

#### **STATE DEPARTMENT TRANSPARENCY (Section 37.970, RSMo)**

The bill specifies that it must be the policy of each state department to carry out its duties with full transparency to the public and any data collected must be available to the public in a timely fashion with reports and other information being easily

accessible to the public. Each department must broadly interpret any request for information under the Open Meetings and Records Law, commonly known as the Sunshine Law, and must respond accordingly regardless of the format in which the request is made. Any failure to release information will be considered a policy violation and constitute a breach of the public's trust.

### **COUNTY DRINKING WATER SUPPLY LAKE AUTHORITY (Sections 67.4500 - 67.4520)**

A county drinking water supply lake authority is established in Sullivan County which is to be a body corporate and politic and a political subdivision of this state. Its income and property will be exempt from state and local taxation. The bill:

(1) Specifies that the authority must consist of between six and 30 members appointed by the members of the water commission owning the reservoir. The members will serve six-year terms with the initial members being appointed to staggered terms. A member of the authority must be at least 25 years of age and have been registered to vote in Missouri and lived in the county for more than five years;

(2) Requires the water commission, by resolution, to establish a date and time for the initial meeting of the authority. At the initial meeting, and annually thereafter, the authority must elect from its members a chairman and vice-chairman and appoint a secretary and a treasurer. The authority may appoint an executive director who must not be a member of the authority and who will serve at the authority's pleasure. The authority may designate the secretary to act in lieu of an executive director;

(3) Requires each member of the authority to execute a surety bond in the amount of \$50,000 or the authority chairman must execute a blanket bond covering each member and the employees or other officers of the authority;

(4) Prohibits an authority member from participating in any decisions or deliberations concerning issues in which he or she has a direct financial interest;

(5) Allows the authority to acquire, own, construct, lease, and maintain recreational or water quality projects; acquire, own, lease, or sell property to fulfill the purposes of the authority; enter into contracts; sue and be sued; accept gifts, grants, loans, or contributions; employ staff or contract with independent contractors for needed services; disburse funds and set salaries of its employees; fix rates, fees, and charges for the use of any projects and property owned, leased, operated, or managed by the authority; adopt, alter, or repeal its own governing bylaws and rules; sell and supply water; construct, own, and operate infrastructure projects;



issue revenue bonds; and adopt tax increment financing within its boundaries;

(6) Allows the state or any political subdivision or municipal corporation to transfer possession or control of any property to the authority;

(7) Allows the state or any political subdivision to appropriate, allocate, and expend funds for the benefit of the authority; and

(8) Authorizes the authority to exercise all zoning and planning powers that are granted to cities, towns, and villages except that the authority cannot exercise the powers within the limits of any city, town, or village that has adopted a city plan before August 28, 2011.

#### REAL-TIME BACTERIAL WATER QUALITY TESTING (Section 192.1250)

The Department of Health and Senior Services must examine the feasibility of implementing a real-time water quality testing system for measuring the bacterial water quality at state-owned public beaches and must issue a report of its findings to the General Assembly by December 31, 2011.

#### PUBLIC WATER SUPPLY DISTRICT DIRECTORS (Section 247.060)

The bill:

(1) Allows each member of a public water supply district board to receive a fee of up to \$100 for attending each regularly or specially called board meeting. A member can receive payment for up to two meetings per month except in a first classification county where a member can receive payment for up to four meetings per month. No member can be paid for attending more than one board meeting per week. Currently, members must serve without compensation;

(2) Allows the president of a board to receive an additional \$50 for attending each regularly or specially called board meeting but prohibits him or her from receiving the additional fee for attending more than two meetings per month;

(3) Specifies that a member will be reimbursed for any actual expenditures in the performance of his or her duties on behalf of the district;

(4) Prohibits a member from receiving any attendance fees or additional compensation until he or she has completed a minimum of six hours of training regarding the responsibilities of the board and its members in specified areas including the basics of water treatment and distribution; budgeting and rates; planning; and the Open Meetings and Records Law, commonly known as the Sunshine Law;

(5) Specifies that the circuit court of the county having jurisdiction over the district is authorized to:

(a) Suspend any member from exercising his or her office when it appears that the member has abused his or her trust or become disqualified;

(b) Remove any member upon proof or conviction of gross misconduct or disqualification for his or her office; or

(c) Restrain and prevent any alienation of property of the district by members in certain specified cases; and

(6) Specifies that the jurisdiction conferred by these provisions must be exercised upon petition by any member or at the instance of any 10 voters residing in the district who join in the petition. The petition must be heard in a summary manner after 10 days' written notice to the member or officer who is the subject of the complaint.

#### STATE PARKS EARNINGS FUND (Section 253.090)

Any moneys remaining in the State Parks Earnings Fund at the end of the biennium will not revert to the credit of the General Revenue Fund.

#### PRIVATE LANDOWNER PROTECTION ACT (Section 442.014)

The Private Landowner Protection Act is established which allows for the creation and enforcement of conservation easements designed to protect the environment or preserve certain historical, architectural, archaeological, or cultural aspects of real property. An easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other easements; and a court may modify or terminate an easement based on the principles of law and equity.

An existing real property interest is not affected by a conservation easement unless the owner is a party to the easement or consents to it. A conservation easement will be valid in a number of situations that are specified in the bill which are not recognized by common law. Retroactive application is mandated to the extent allowed by state and federal law but cannot place any additional burden or obligation on any grantor or grantee, or on their successors, of a conservation easement.

#### MINING PERMITS (Sections 444.771 and 444.773)

The Department of Natural Resources and the Land Reclamation Commission within the department are prohibited from issuing a surface mining or a water or air quality permit to any person whose mine plan boundary is within 1,000 feet of any property where an accredited school has been located for at least five years prior to the permit application. This provision does not apply to a request for an expansion to an existing mine or to any underground mining operation.

Currently, the commission may deny a surface mining permit if it finds in any hearing, based on competent and substantial scientific evidence, that the interested party's health, safety, or livelihood

would be unduly impaired by the issuance of the permit. The bill specifies that it must be in a public hearing and removes the provision placing the burden of proof on the permit applicant.

#### CLEANFIELDS RENEWABLE ENERGY DEMONSTRATION PROJECTS (Section 620.2300)

An owner of a park consisting of at least 50 contiguous acres in which the property is subject to remediation under a clean-up program supervised by the Department of Natural Resources or the United States Environmental Protection Agency may submit an application to the Department of Economic Development to establish a cleanfields renewable energy demonstration project. The department must review all project applications and, in consultation with the Department of Natural Resources, verify satisfaction of all requirements. If the Department of Economic Development approves a project application, it must forward the application and approval to the Missouri Public Service Commission. Upon receipt of the application and approval, the commission must assign double credit to any electric power, renewable energy, renewable energy credits, or any successor credit generated from certain renewable energy resources or certain electric power generated off-site by utilizing biomass fuel or renewable energy resources.

#### APPEALS TO THE ADMINISTRATIVE HEARING COMMISSION (Section 621.250)

Currently, any party who is affected by a finding, order, decision, or assessment made by a state regulatory environmental commission may file an appeal with the Administrative Hearing Commission. The bill specifies that the party must be aggrieved or adversely affected by the finding, order, decision, or assessment in order to file an appeal.

Currently, the commission has discretion on whether or not to hold a hearing on an appeal request. The bill requires the commission to hold a hearing and make a recommended decision within 60 days of the date of the request or make a recommended decision within the 60-day period based on the stipulation of the parties, consent order, or agreed settlement or by the disposition in the nature of default judgment, judgment on the pleadings, or summary determination. The commission must issue its final decision on an appeal of a decision by the Director of the Department of Natural Resources within 90 days of the date the notice of appeal is filed.

The bill prohibits a cause of action or appeal arising out of a finding, order, decision, or assessment of a state regulatory environmental commission from accruing in any court unless the party has already filed a notice of appeal with the Administrative

Hearing Commission and received a final decision from the environmental commission in accordance with these provisions.

#### ENVIRONMENTAL PERMITS (Section 640.018)

In any case in which the Department of Natural Resources has not issued a permit or made a permit decision by the expiration of a statutorily required time frame, the permit must be issued as of the first day following the expiration if all the necessary information has been submitted for the application and the department has had the information for the duration of the required time frame.

All engineering plans, specifications, and designs prepared by a registered professional engineer that are submitted to the department as part of a permit application or modification must include a statement that the plans, specifications, and designs were prepared in accordance with all applicable requirements and must be sealed by the registered professional engineer. The department must use the complete sealed plans, specifications, and designs as submitted in addition to a permit application or other relevant information, documents, and materials in developing comments on the engineering submittals and in determining whether to issue or deny a permit. The review of documents, plans, specifications, and designs sealed by a registered professional engineer must be conducted by a registered professional engineer or an engineering intern on behalf of the department.

The department must designate a supervisory registered professional engineer for permitting purposes in environmental programs. Any applicant receiving written comments on an engineering submittal may request a determination from the department's supervisory engineer as to a final disposition of the department's comments. The supervisory engineer must inform the applicant of a preliminary decision within 15 days of the request and must make a final determination within 30 days.

These requirements cannot be construed to require plans or other submittals to the department that come under a general permit or an application for a site specific permit to be prepared by a registered professional engineer unless otherwise required by state or federal law.

#### NOTIFICATION OF PUBLIC HEALTH RISKS (Section 640.128)

The Department of Natural Resources must immediately notify the local public health authority and the Department of Health and Senior Services if it receives water quality test results voluntarily conducted and submitted by a permitted entity that indicate a potential risk to public health.

**CONSOLIDATION OF STATE SERVICES**

(Section 640.850)

The Governor must convene a committee consisting of representatives from the departments of Agriculture, Conservation, Economic Development, Health and Senior Services, and Natural Resources to evaluate ways to consolidate services with the goal of improving efficiency and reducing costs while optimizing benefits to Missourians. The committee must specifically review the transfer of the Division of Energy from the Department of Natural Resources to the Department of Economic Development and the consolidation of laboratory testing for water quality under the Department of Health and Senior Services and must provide recommendations to the Governor and the General Assembly by December 31, 2011.

**ASBESTOS AND AIR QUALITY**

(Sections 643.020 - 643.080, 643.191, 643.225, 643.232, 643.237, and 643.240 - 643.250)

The bill:

(1) Expands the citation range of statutes in Chapter 643 that refer to the regulation of air quality and the responsibilities of the Air Conservation Commission within the Department of Natural Resources in numerous provisions and corrects a federal law reference for asbestos requirements under United States Occupational Safety and Health Administration (OSHA) regulations;

(2) Authorizes the commission or its authorized representative to enter upon any public or private property having material information relevant to an air contaminant source. Currently, it may only enter upon public or private property which the commission or department director has probable cause to believe is an air contaminant source;

(3) Adds renovation or demolition projects to the list of plans that the commission has authority to require corrective measures be taken to protect public health and the environment as it relates to asbestos abatement;

(4) Removes the option to complete an annual refresher course that is accredited by the United States Environmental Protection Agency (EPA) in order to qualify for a renewal of an asbestos-related certificate. Currently, an individual must complete an annual course that is accredited by the EPA or the State of Missouri;

(5) Reduces, from 24 months to 12 months, the amount of time after the expiration of a certificate in which an individual must complete the annual refresher course or retake the original training course;

(6) Removes the provisions exempting certain individuals who are subject to EPA and OSHA asbestos regulations from certain state asbestos

requirements for asbestos certification and registration upon application to the department director and submitting a \$250 fee;

(7) Reduces, from at least 20 working days to at least 10 working days, the period of time that a person must submit an application to the department in advance of an asbestos abatement or demolition project. The application must include a copy of an asbestos inspection survey for the structure which includes, but is not limited to, sample analysis results, quantities of asbestos materials identified, and documentation that the inspection was conducted by a certified asbestos inspector;

(8) Removes the notification requirements for an asbestos abatement project of a magnitude of less than 160 square feet or 260 linear feet but greater than 10 square feet or 16 linear feet;

(9) Requires the analysis of asbestos air samples to be conducted according to EPA or OSHA standards. Currently, the analysis must be conducted according to OSHA standards;

(10) Requires asbestos abatement projects of a magnitude of greater than or equal to 160 square feet or 260 linear feet or 35 cubic feet or all regulated demolition projects to be subject to inspection. Currently, projects greater than or equal to 10 square feet or 16 linear feet must be inspected;

(11) Removes the requirement that any civil penalty paid for asbestos-related violations be deposited into the Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount; and

(12) Repeals provisions exempting state asbestos abatement projects for single-family, owner-occupied dwellings, and vacant public or privately owned residential buildings of four units or less that are being demolished for public health, safety, or welfare purposes from certain requirements.

**JUDICIAL REVIEW OF CERTAIN ENVIRONMENTAL-RELATED DECISIONS**

(Sections 643.130 and 644.071)

Any action seeking judicial review of a final decision made by the Air Conservation Commission, the Clean Water Commission, or the Director of the Department of Natural Resources must be filed in a court of appeals instead of a circuit court.

**CLEAN WATER NOTICE REQUIREMENTS AND FEES (Sections 644.036 and 644.054)**

The bill removes the expiration date on the public notice requirements of the Clean Water Commission within the Department of Natural Resources when listing any impaired waters of the state under Section 303(d) of the federal Clean Water Act.

The commission's authority to charge fees for construction permits, operating permits, and

operator's certifications related to water pollution control is extended from December 31, 2010, to September 1, 2013.

The department director must conduct a comprehensive review of the water pollution fee structure including input from stakeholders and submit a report to the General Assembly by December 31, 2012, including the findings and a recommended plan for the fee structure. The plan must include timelines for permit issuance, expedited permits, and recommendations for improved services.

#### **CLEAN WATER COMMISSION PERMITS AND APPEALS (Section 644.051)**

The bill:

(1) Allows a potential permit applicant to appeal the terms and conditions of a water pollution control general permit template to the Clean Water Commission within the Department of Natural Resources within 30 days of the issuance of the template by the department if the applicant can demonstrate that he or she is or may be adversely affected by any term or condition of the permit;

(2) Specifies that in matters heard by the commission, the burden of proof is on the department or the commission that issued the finding, order, decision, or assessment being appealed except in a matter involving the denial of a permit, license, or registration when the burden of proof is on the applicant;

(3) Allows a permit to be modified, reissued, or terminated at the request of the permit holder. A request must be in writing and contain facts or reasons in support of the request; and

(4) Requires the department to implement permit shield provisions that are equivalent to the provisions implemented pursuant to federal law.

#### **AFFORDABILITY DETERMINATIONS ON CERTAIN SANITARY SEWER OR TREATMENT SYSTEMS (Section 644.145)**

The Department of Natural Resources must make a determination regarding the affordability to communities and their residents of permit requirements and other department decisions related to combined or separate sanitary sewer systems or publicly owned treatment works when issuing permits under Chapter 644 or when enforcing state or federal laws. If the department fails to make a determination, the proposed permit or decision will be void and unenforceable. The bill specifies the criteria that the department must use in determining if a permit or decision is affordable. A department's finding may be appealed to the Clean Water Commission.

#### **PRIVATE SEPTIC SYSTEMS (Sections 701.033 and 701.058)**

The Department of Health and Senior Services is authorized to provide technical assistance and guidance to a local administrative authority on the regulation and enforcement of standards for individual on-site sewage disposal systems. The department may provide this assistance at the request of the local government or in any case where the department determines that its intervention is necessary to prevent a violation of state law.

The departments of Natural Resources and Health and Senior Services must jointly hold stakeholder meetings to gather data and information regarding permits and inspections for on-site sewage disposal systems and submit a report to the General Assembly by December 31, 2011.

#### **MISSOURI ENERGY TASK FORCE (Section 386.850)**

The bill repeals the provisions requiring the Missouri Energy Task Force within the Missouri Public Service Commission to reconvene at least one time a year and issue a status report to the Governor and General Assembly by December 31 of each year.

The provisions of the bill are nonseverable; and if any provision is found to be invalid for any reason, the remaining provisions, except for those regarding cleanfields renewable energy demonstration projects, will be invalid.

The bill contains an emergency clause for the provisions regarding state department transparency, county drinking water supply lake authority, real-time bacterial water quality testing, State Parks Earnings Fund, mining permits, cleanfields renewable energy demonstration projects, environmental permits, notification of public health risks, consolidation of state services, judicial review of certain environmental-related decisions, clean water notice requirements and fees, Clean Water Commission permits and appeals, affordability determinations on certain sanitary sewer or treatment systems, private septic systems, and the Missouri Energy Task Force.

#### **CCS SCS HB 101 — LIQUOR CONTROL**

This bill changes the laws regarding liquor control. In its main provisions, the bill:

(1) Allows the Supervisor of the Division of Alcohol and Tobacco Control within the Department of Public Safety to issue a special liquor license to an applicant for a wine shop as defined in the bill to sell intoxicating liquor by the drink on Sundays from 10 a.m. to 10 p.m. In addition to all other required fees, the applicant must pay \$200 per year for the license;



(2) Allows a special permit to be issued for a licensed liquor establishment located in Kansas City to sell intoxicating liquor from 6 a.m. to 3 a.m. on the morning of the following day within one 24-hour period. Only six permits per calendar year can be granted for each establishment. The fee for each permit will be \$50 which is to be paid to the Director of the Department of Revenue;

(3) Allows any winery, distiller, manufacturer, wholesaler, or brewer or designated employee, with the permission of the licensee, to provide distilled spirits, wine, or malt beverage samples for customer tasting purposes on a licensed retail premises that has a special permit or a by-the-drink-for-consumption-on-the-premises-where-sold retail license. No money or anything of value can be given to the retailer for the privilege or opportunity of conducting the tasting;

(4) Allows an employee of or a sampling service retained by a retailer, winery, distiller, manufacturer, or brewer to dispense distilled spirits, wine, or malt beverage samples. All sampling service employees who actually dispense samples must complete a server training program approved by the division. Any samples remaining after a tasting must be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer who provided the samples; and

(5) Specifies that certain clubs, organizations, caterers, and others who hold a temporary permit or special license to sell intoxicating liquor by the drink are also allowed to sell intoxicating liquor in its original package.

#### **HB 109 — LINKED DEPOSITS**

Currently, the State Treasurer cannot, after December 31, 2015, invest in any linked deposit the value of which is to be lent to a recipient other than an eligible water supply system or an eligible student borrower or, after January 1, 2020, invest in any linked deposit the value of which is to be lent to any new eligible facility borrower. This bill repeals these provisions allowing the State Treasurer to invest in these deposits after those dates.

#### **SS#2 SCS HCS HB 111 — JUDICIAL PROCEDURES**

This bill changes the laws regarding judicial procedures.

#### **TRANSPARENCY IN PRIVATE ATTORNEY CONTRACTS ACT**

(Sections 34.376, 34.378, and 34.380, RSMo)

The bill establishes the Transparency in Private Attorney Contracts Act which:

(1) Prohibits the state and any of its agents from contracting with a private attorney for a contingency fee unless the Attorney General makes a written determination prior to the contract that the contingency fee representation is both cost effective and in the public interest;

(2) Requires the Attorney General to request written proposals from private attorneys to represent the state if the determination to contract with a private attorney is made unless the Attorney General determines and puts in writing that requesting proposals is not feasible under the circumstances;

(3) Requires the Attorney General to select the lowest and best bid or to request the Office of Administration to establish an independent panel to evaluate the proposals and choose the lowest and best bid;

(4) Requires the government attorney to retain complete control over the course and conduct of the case and the contracted attorney in any contingency fee contract and requires the Attorney General to include provisions in the contract detailing the expectations of both the contracted attorney and the state;

(5) Requires a copy of any contingency fee contract, the Attorney General's written determination, and payments of contingency fees to be posted on the Attorney General's web site;

(6) Requires a private attorney under contract with the state on a contingency fee basis to maintain detailed records of his or her services, expenses, and fees, including time records in increments of no greater than 1/10 of an hour for at least four years after the expiration or termination of the contract. Any request under the Open Meetings and Records Law, commonly known as the Sunshine Law, for inspection and copying of records must be served upon and responded to by the Attorney General's office; and

(7) Requires the Attorney General to annually submit a report by February 1 to the President Pro Tem of the Senate and the Speaker of the House of Representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year and specifies the information which must be included in the report.

#### **HOSPITAL DISTRICT SALES TAX** (Sections 144.032 and 205.205)

The governing body of any hospital district in Iron County is authorized to impose, upon voter approval, a local sales tax of up to 1% in lieu of a property tax to fund the hospital district. The Department of Revenue will deposit the sales tax in the newly created Hospital District Sales Tax Fund less 1% of the amount collected which is to be deposited into

the General Revenue Fund for the cost of collecting the sales tax. The tax will be imposed on all retail sales and all sales of metered water services, electricity, and electrical current and for the domestic use of natural, artificial, or propane gas; wood; coal; or home heating oil.

#### ELECTRONIC MONITORING

(Sections 221.025, 544.455, 544.470, and 557.011)

The bill allows a judge to release a person before trial on electronic monitoring or to order a person to serve part or all of a sentence of confinement on electronic monitoring. All costs associated with electronic monitoring will be charged to the person on house arrest. If the judge finds the person unable to afford the associated costs, the judge cannot order the electronic monitoring. A circuit court may adopt a local rule authorizing the pretrial release of certain offenders on electronic monitoring in lieu of incarceration.

A judge may credit any period of electronic monitoring against any period of confinement or incarceration ordered; however, an individual on electronic monitoring will not be considered to be in custody or incarceration for purposes of eligibility for MO HealthNet benefits or considered confinement in a correctional center or jail for purposes of determining responsibility for the individual's health care.

A court may not place an individual on electronic monitoring in lieu of the required imprisonment, community service, or court-ordered treatment program involving community service if that individual is a prior, persistent, aggravated, or chronic offender sentenced pursuant to Section 577.023.

#### CERTAIN MISDEMEANOR VIOLATIONS

(Sections 302.020, 302.321, 303.025, and 311.325)

The bill changes the specified class of certain misdemeanor violations to only be a misdemeanor violation and establishes fines and penalties for a violation of the provisions regarding:

- (1) Driver's licenses;
- (2) Motorcycle licenses;
- (3) Driving while revoked;
- (4) Motor vehicle financial responsibility; and
- (5) Purchase, possession, or consumption of alcohol by a minor.

A prior plea of guilty and a prior finding of guilt must be pled and proven in the same manner as a person is found to be a prior, persistent, dangerous, persistent sexual, or predatory sexual offender.

#### CORPORATE COMMITTEE MEETINGS

(Section 351.340)

The bill allows actions required to be taken at corporate committee meetings to be taken without

a meeting if all of the board or committee members consent by electronic transmission. The transmissions must be filed with the meeting minutes.

#### CHILD SUPPORT AWARDS (Section 452.340)

The Missouri Supreme Court is required to amend the child support guidelines to address instances where there is an award of equal or substantially equal joint physical custody.

The court may award child support in an amount that provides up to a 50% adjustment below the basic child support amount for a custody award of joint physical custody where the child or children spend equal or substantially equal time with both parents.

#### FULL ORDERS OF PROTECTION

(Section 455.007)

The bill specifies that, regardless of any other provision of law to the contrary, the public interest exception to the mootness doctrine will apply to an appeal of a full order of protection which has expired and which subjects the person against whom the order is issued to significant collateral consequences by the mere existence of the order after its expiration.

#### GUARDIANSHIP OF AN INCAPACITATED PERSON

(Sections 475.060 and 475.061)

The bill changes the specified information that must be stated in a petition for a person to appoint himself or herself or another qualified person as the guardian of an incapacitated person.

#### TRANSFER REQUESTS OF COURT CASES BY PUBLIC ADMINISTRATORS (Section 475.115)

The bill allows a public administrator to request the transfer of any case to the jurisdiction of another county by filing a petition for transfer and requires the court to transfer the case if the requirements for venue are met and the administrator of the receiving county consents to the transfer. The receiving county court must appoint, without the necessity of a hearing, its public administrator as successor guardian and/or successor conservator and issue the appropriate letters. In the case of a conservatorship, the final settlement of the public administrator's conservatorship must be filed in the original county within 30 days of the transfer and forwarded to the receiving county upon audit and approval.

#### UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT (Sections 475.501 - 475.555)

The bill authorizes Missouri to enter into the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act which:

- (1) Allows a court to treat a foreign country as if it were a state for the purpose of applying certain provisions of the act;

(2) Allows a court to communicate with an out-of-state court concerning a guardianship or protective proceeding;

(3) Allows a court to request an out-of-state court to:

(a) Hold an evidentiary hearing;

(b) Order an individual to produce evidence or give testimony;

(c) Order that an evaluation or assessment be made of a respondent;

(d) Order any appropriate investigation of an individual involved in a guardianship or protective proceeding;

(e) Forward to the court of this state a certified copy of the transcript or other record of an evidentiary hearing or any other proceeding, any evidence otherwise produced, and any evaluation or assessment prepared in compliance with a court order;

(f) Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated or protected person; and

(g) Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including specified protected health information;

(4) Allows testimony taken in another state from a witness who is located in another state to be offered by deposition or other means allowable in this state;

(5) Permits a court to allow a witness located in another state to be deposed or to testify by telephone, audiovisual, or other electronic means;

(6) Specifies when a court of this state has jurisdiction to appoint a guardian or to issue a protective order for a respondent;

(7) Specifies that when a court of this state is otherwise lacking jurisdiction it has special jurisdiction for specified guardianship actions;

(8) Specifies that a court which has appointed a guardian or issued a protective order has exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own term;

(9) Allows a court to decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum;

(10) Allows a guardian or conservator to petition the court to transfer the guardianship or conservatorship to another state;

(11) Specifies that if a guardian has been appointed in another state and a petition for the appointment of

a guardian is not pending in this state, the guardian may register, after giving notice to the appointing court of an intent to register, the guardianship order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office;

(12) Specifies that if a conservator has been appointed in another state and a petition for a protective order is not pending in this state, the conservator may register, after giving notice to the appointing court of an intent to register, the protective order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office and of any bond; and

(13) Specifies that upon registration of a guardianship or protective order from another state, the guardian or conservator may exercise in this state all powers authorized in the order of appointment except those powers prohibited under the laws of this state.

#### BASIC CIVIL LEGAL SERVICES FUND

(Section 477.650)

The bill extends the expiration date of the provisions regarding the Basic Civil Legal Services Fund from December 31, 2012, to December 31, 2018.

#### STANDARDS FOR REPRESENTATION OF CHILDREN BY GUARDIANS AD LITEM

(Section 484.350)

The bill requires the Missouri Supreme Court standards from September 17, 1996, regarding representation of children by guardians ad litem to be updated.

#### CONDEMNATION PROCEEDINGS

(Section 523.040)

The bill requires that in St. Louis City and the counties of St. Louis and Jackson at least one of the three commissioners appointed by the court in condemnation proceedings must be a licensed real estate broker or a licensed or certified real estate appraiser.

#### SEXUAL CONTACT WITH A STUDENT

(Section 566.086)

Currently, a person who works for or volunteers at a school commits the crime of sexual contact with a student while on public school property, a class D felony, if he or she has sexual contact with a student while on any public school property. The bill removes the requirement that the crime be committed while on public school property and adds an elected or appointed official of the school district to the list of individuals to whom the provision applies.

**SEXUAL OFFENDERS**

(Sections 566.147 and 589.040)

Currently, any person who, since July 1, 1979, has pled guilty or nolo contendere to, been convicted of, or been found guilty of certain specified sexual offenses is prohibited from residing within 1,000 feet of certain public schools, private schools, or child care facilities. The bill specifies that a child care facility includes any licensed child care facility or any facility which is exempt from licensure but subject to state fire, safety, health, and sanitation inspections and holds itself out to be a child care facility.

The bill also requires a person incarcerated for a sexual assault offense to successfully complete the treatment, education, and rehabilitation program provided by the Department of Corrections prior to being eligible for parole or conditional release.

**CRIMINAL NONSUPPORT (Section 568.040)**

A person commits the crime of nonsupport if he or she knowingly fails to provide adequate support for his or her spouse or child as he or she is legally obligated. Currently, a person commits this crime if he or she did so without good cause.

**RECEIVING STOLEN PROPERTY**

(Section 570.080)

The bill revises the penalty for the crime of receiving stolen property, a class A misdemeanor. If the value of the property or services stolen is \$500 but less than \$25,000 or a person physically takes the property from the victim or the property consists of certain specified items, the person will be guilty of a class C felony. The receipt of any item of property or services that exceed \$500 may be considered a separate felony and may be charged in separate counts. Any person with a prior conviction for receiving stolen livestock or captive wildlife who violates those same provisions a subsequent time when the value of the animal stolen exceeds \$3,000 will be guilty of a class B felony and will be required to serve at least 80% of any sentence imposed before he or she is eligible for probation, parole, conditional release, or other early release by the Department of Corrections. Anyone committing an offense in which the value of the property or services is an element will be guilty of a class B felony if the value equals or exceeds \$25,000.

**STEALING LEASED OR RENTED PROPERTY OFFENSES (Section 578.150)**

The bill revises the crime of failing to return leased or rented property and changes the name of the crime to stealing leased or rented property.

The following actions are added to the list of offenses that constitute the crime if the person commits the offense with the intent to deprive the owner of the

property: aiding or abetting the concealment of leased or rented property; selling, encumbering, conveying, pawning, loaning, abandoning, or giving away the leased or rented property without the written consent of the lessor or without informing the person who receives the property that it is subject to a lease; and failing to pay the lease charges and any extensions after returning the property with the intent to deprive the lessor of the agreed upon charges.

Currently, it is evidence of the crime when a person who has leased or rented property, other than a motor vehicle, fails to return the property 10 days after the owner has sent a written demand by certified or registered mail to the address provided in the lease agreement. The demand must include a statement that the failure to return the property may subject the person to criminal prosecution. The bill specifies that evidence of intent to commit the crime is established if the lessee uses a false; fictitious; or not current name, address, or place of employment in obtaining the property or if the lessee fails or refuses to return the property or pay the lease charges within seven days after a written demand is sent by certified mail, return receipt requested, to the address provided in the lease agreement or the person's last known address.

Currently, failure to return leased or rented property is a class A misdemeanor unless the property is valued at \$500 or more, in which case it is a class C felony. The bill increases the maximum property value so that the crime of stealing leased or rented property becomes a class C felony if the property is valued at \$1,000 or more.

**STATE REIMBURSEMENT FOR SHERIFFS**

(Section 632.312)

A sheriff is allowed to receive reimbursement from the state, subject to appropriation, for the actual costs of transporting a person to and from a mental health facility from a public or private hospital, a nonprofit charitable organization, the state, or a political subdivision.

The bill contains an emergency clause for the provisions regarding the hospital district sales tax.

**HCS HB 136 — UNEMPLOYMENT BENEFITS AND COURTESY PROFESSIONAL LICENSES FOR CERTAIN MILITARY SPOUSES**

This bill changes the laws regarding unemployment benefits for military spouses and courtesy professional licenses for nonresident military spouses.

**UNEMPLOYMENT BENEFITS FOR MILITARY SPOUSES**

The bill specifies that a claimant seeking unemployment compensation is not disqualified for



waiting week credit or benefits, regardless if the claimant has earned wages for insured work equal to 10 times the claimant's weekly benefit amount, if the claimant quit work in order to relocate with his or her spouse who is on active duty in the United States armed forces, the national guard, or other reserve. If a claimant is not disqualified as a result of this provision, no benefits based on wages paid for work prior to the quitting date can be chargeable to the claimant's former employer.

#### COURTESY PROFESSIONAL LICENSES FOR NONRESIDENT MILITARY SPOUSES

Any state agency or board that regulates an occupation or profession must establish criteria for the issuance of a temporary courtesy license to a nonresident spouse of an active duty member of the military who has been transferred to Missouri allowing the spouse to lawfully practice his or her occupation or profession in this state. The bill:

(1) Requires an applicant for a courtesy license to hold a current license or certificate from another state, district, or United States territory whose licensing requirements are equivalent to those established by Missouri law for that occupation or profession;

(2) Requires an applicant to have been engaged in the active practice of the occupation or profession for at least two of the five years immediately preceding the date of his or her application;

(3) Specifies that an applicant cannot have committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate under Missouri law at the time the act was committed;

(4) Specifies that an applicant cannot have been disciplined by a licensing or credentialing entity in another jurisdiction or be the subject of an unresolved complaint, review, or disciplinary proceeding by a licensing or credentialing entity in another jurisdiction;

(5) Authorizes the appropriate board or agency to conduct and pay for a criminal background check;

(6) Requires an applicant to pay any required fees and comply with other requirements as provided by the appropriate board; and

(7) Specifies that a temporary courtesy license or certificate will be valid for 180 days and may be extended at the discretion of the applicable regulatory board or agency for another 180 days upon application of the holder.

These provisions will not apply to the practice of law or the regulation of attorneys.

#### SS SCS HB 137 — CONVEYANCES OF STATE PROPERTY

Currently, the board of governors, regents, or curators of four-year state universities, with the exception of schools within the University of Missouri System, is authorized to convey or lease property for fair market value without authorization by the General Assembly until August 28, 2011. This bill repeals that authority but authorizes the Board of Governors of Missouri Western State University to convey or lease property for fair market value without authorization by the General Assembly until August 28, 2014.

The bill also authorizes the Governor to convey:

(1) State property located at the Algoa Correctional Center in Jefferson City in Cole County;

(2) State property located at the Boonville Correctional Center in the City of Boonville in Cooper County;

(3) State property located at the Western Reception and Diagnostic Correctional Center in the City of St. Joseph in Buchanan County;

(4) State property located at the Central Missouri Correctional Center in Jefferson City in Cole County;

(5) State property located at the Farmington Correctional Center in the City of Farmington in St. Francois County;

(6) State property located in the City of Farmington in St. Francois County;

(7) State property located at the Fulton Reception and Diagnostic Correctional Center in the City of Fulton in Callaway County;

(8) State property located at the Maryville Treatment Center in the City of Maryville in Nodaway County;

(9) State property located at the Eastern Reception Diagnostic Correctional Center in the City of Bonne Terre in St. Francois County;

(10) State property located at the Missouri Eastern Correctional Center in the City of Pacific in St. Louis County;

(11) State property located at the South Central Correctional Center in the City of Licking in Texas County;

(12) State property located at the Potosi Correctional Center in the City of Potosi in Washington County;

(13) State property located at the Chillicothe Correctional Center in the City of Chillicothe in Livingston County;

(14) State property located at the Tipton Correctional Center in the City of Tipton in Moniteau County;

(15) State property located at the Women's Eastern Reception and Diagnostic Correctional Center in the City of Vandalia in Audrain County;

(16) State property located at the Moberly Correctional Center in the City of Moberly in Randolph County;

(17) State property located at the St. Francois County Correctional Facility in the City of Farmington in St. Francois County to St. Francois County;

(18) A permanent sidewalk easement over, on, and under state property located at the Adrians Island in Cole County to the City of Jefferson;

(19) A permanent levee easement over, on, and under state property located at the Church Farm in Cole County to the Cole Junction Levee District;

(20) A permanent pipeline easement over, on, and under state property located at the Moberly Correctional Center in Randolph County to the Panhandle Eastern Pipeline Company, LP;

(21) State property located at the South East Missouri Mental Health Center in the City of Farmington in St. Francois County to the Highways and Transportation Commission within the Department of Transportation;

(22) State property located at the South East Missouri Mental Health Center in the City of Farmington in St. Francois County which was previously authorized by House Bill 2285 in 2010 but contained an error in the legal description;

(23) State property located at the National Guard site in the City of Centertown in Cole County; and

(24) A permanent drainage easement over, on, and under state property at the Department of Mental Health Regional Office and the Department of Elementary and Secondary Education State School for the Severely Disabled in the City of Joplin in Jasper County.

The bill contains an emergency clause.

## **CCS SCS HB 142 — POLITICAL SUBDIVISIONS**

This bill changes the laws regarding political subdivisions. In its main provisions, the bill:

(1) Requires the auditor in a charter county to annually inventory any county property with an original value of \$1,000 or more. Currently, the auditor of a first classification county with a charter form of government must annually inventory any county property with an original value of \$250 or more (Section 55.030, RSMo);

(2) Authorizes any city, town, village, sewer district, or water supply district to impose, upon voter approval, a fee of up to \$1 per month or \$12 annually for each line providing water service to residential property having four or fewer dwelling units for the purpose of repair or replacement due to failure of

the water lines extending from the water main to the residential dwelling. The fee may be added to the general tax levy bill of the property owner and collected in the same manner and to the same extent as delinquent real estate taxes and tax bills (Section 67.319);

(3) Authorizes any city in which voters have approved fees to recover costs associated with the enforcement of certain housing, property maintenance, or nuisance ordinances to issue a special tax bill against the property to recover the costs which is to be collected in the same manner as the collection of real estate taxes (Section 67.451);

(4) Authorizes the Boone County Collector, upon certification by the community improvement district, to add the district's special assessment to the annual real estate tax bill for the property and to collect the assessment in the same manner as the collection of real estate taxes (Section 67.1521);

(5) Authorizes the board of commissioners of Tower Grove Park to adjust the size of its membership upon the approval of a majority of its members (Section 90.101);

(6) Allows a public administrator to request the transfer of any case to the jurisdiction of another county by filing a petition for transfer and requires the court to transfer the case if the requirements for venue are met and the administrator of the receiving county consents to the transfer. The receiving county court must appoint, without the necessity of a hearing, its public administrator as successor guardian and/or successor conservator and issue the appropriate letters. In the case of a conservatorship, the final settlement of the public administrator's conservatorship must be filed in the original county within 30 days of the transfer and forwarded to the receiving county upon audit and approval (Section 475.115); and

(7) Adds the City of St. Joseph to the list of cities authorized to establish an administrative adjudication system for certain municipal code violations. The cities of Kansas City, St. Joseph, and St. Louis are authorized to establish, by order or ordinance, an administrative system for adjudicating housing, property maintenance, and nuisance municipal code violations and to issue a special tax bill to collect fines issued for these code violations (Section 479.011).

## **SCS HB 149 — MISSOURI MILITARY FAMILY RELIEF FUND**

Currently, the provisions that allow an individual or corporation to designate part of a tax refund to the Missouri Military Family Relief Fund expire August 28, 2011, and terminate December 31, 2012. This bill removes the expiration and termination dates of those provisions.

**HB 151 — DESIGNATION OF TAX REFUNDS TO THE ORGAN DONOR PROGRAM FUND**

Beginning January 1, 2011, this bill authorizes an individual or corporation to designate at least \$2 on a Missouri individual income tax return or at least \$4 on a combined return of his or her tax refund amount to the Organ Donor Program Fund. A taxpayer may also donate to the fund by sending a separate check with the payment of his or her taxes.

The provisions of the bill will expire December 31 six years from the effective date.

**SS SCS HCS HB 161 — CERTAIN TAXES IMPOSED BY POLITICAL SUBDIVISIONS**

This bill changes the laws regarding certain taxes imposed by political subdivisions. In its main provisions, the bill:

(1) Specifies that the term “transient guests” as it relates to a transient guest tax under Sections 67.1000 and 67.1002, RSMo, means a person or persons who occupy a room in a hotel or motel for 31 days or less during any calendar quarter with the exception of Pulaski County where the term means a person or persons who occupy a room in a hotel or motel for 90 days or less during any calendar quarter (Section 67.1000.3);

(2) Prohibits any city or county from imposing a transient guest tax pursuant to Section 67.1000, 67.1002, or 67.1003 if the city or county already imposes a tax solely on transient guest room charges of a hotel or motel located within the city or county under these sections or any other state law (Sections 67.1000.5(1) and 67.1003.3(1));

(3) Prohibits any city not already imposing a transient guest tax pursuant to Section 67.1000, 67.1002, or 67.1003 from imposing a transient guest tax under those provisions if the city is located wholly or partially within a county that already imposes a tax solely on transient guest room charges of a hotel or motel located within the county under these sections or any other state law (Sections 67.1000.5(2) and 67.1003.3(2));

(4) Prohibits any county not already imposing a transient guest tax pursuant to Section 67.1000, 67.1002, or 67.1003 from imposing a transient guest tax under those provisions if there is a city located in whole or in part within the county that already imposes a tax solely on transient guest room charges of a hotel or motel within the city under these sections or any other state law (Sections 67.1000.5(3) and 67.1003.3(3));

(5) Specifies that the prohibition against imposing more than one transient guest tax in Sections 67.1000, 67.1002, and 67.1003 cannot be construed as repealing any taxes levied by any city or county on transient guests as allowed under Chapter 67 or Chapter 94 as of August 28, 2011 (Sections 67.1000.6 and 67.1003.8);

(6) Expands the purpose for which a transient guest tax may be imposed under Section 67.1002 to include funding a convention and visitors bureau. Currently, the tax can be imposed solely for the promotion of tourism (Section 67.1002);

(7) Authorizes the City of St. Peters to impose, upon voter approval, a transient guest tax of up to 2% per occupied room, per night for the promotion of tourism. The tax is not subject to the provisions prohibiting a city and the county in which it is located from both imposing a transient guest tax (Section 67.1003.5);

(8) Authorizes Pettis County, upon voter approval, to change its transient guest tax from \$2 per room, per night to up to 5% per occupied room, per night (Section 67.1006);

(9) Adds the construction of job training and educational facilities to the list of allowed projects that can be funded with the revenue generated by a local retail sales tax for economic development purposes under Section 67.1303 (Section 67.1303);

(10) Exempts the City of Riverside from the provision which requires a member of the board of directors of a tourism community enhancement district to be a resident of the district, own real property within the district, be employed by a business within the district, or operate a business within the district (Section 67.1956);

(11) Authorizes the City of St. Joseph to impose, upon voter approval, a retail sales tax of up to 0.5% for improving public safety including salaries and benefits and additional equipment and facilities for police, fire, and emergency medical providers (Section 94.900); and

(12) Authorizes a public library district located at least partially in the counties of Butler, Dunklin, New Madrid, Ripley, Stoddard, or Wayne to impose, upon voter approval, a retail sales tax of up to one-half of one cent for the operation and maintenance of public libraries within the district. State appropriations to public library districts will not be affected by a voluntary reduction in property tax levies resulting from the enactment of a library district sales tax if the sales tax revenue equals or exceeds the reduction in property tax revenue (Sections 181.060 and 182.802).

### **SS SCS HCS HB 163 — UNEMPLOYMENT COMPENSATION**

This bill specifies that a claimant will be ineligible for waiting week credit or benefits for any week that he or she has an outstanding penalty which was assessed based upon an overpayment of benefits and reduces the maximum total amount of benefits payable to any insured worker during any benefit year from the lesser of 26 times his or her weekly benefit amount or 33 1/3% of his or her wage credits to the lesser of 20 times his or her weekly benefit amount or 33 1/3% of his or her wage credits.

In order for Missouri to receive recently approved additional extended federal unemployment benefit funds until August 28, 2013, the bill changes the laws regarding unemployment compensation. Currently, "extended benefit period" as it relates to unemployment compensation benefits means a period which begins with the third week after a week for which there is a state "on" indicator, as determined by the Director of the Division of Employment Security within the Department of Labor and Industrial Relations, and ends on the third week after the first week for which there is a state "off" indicator or other specified conditions. The bill removes the provision which limits the period for a state "on" indicator from extending beyond March 3, 2011, when 100% federal sharing is available under Public Law 111-5, Section 2005(a) and specifies that there is a state "on" indicator beginning after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, Public Law 111-312, and ending on or before the last day allowable by the act when the average rate of total unemployment in the state (seasonally adjusted), as determined by the United States Secretary of Labor, for the most recent three-month period for which data for all states are published equals or exceeds 110% of the average for any or all of the corresponding three-month periods ending in the three preceding calendar years.

The bill contains an emergency clause.

### **HCS HB 174 — HIGHER EDUCATION GOVERNING BOARDS**

Currently, the Coordinating Board for Higher Education, the University of Missouri Board of Curators, and the Missouri State University Board of Governors have nine voting members, with no more than one person appointed from the same Congressional district. This bill requires at least one voting member, but no more than two, to be appointed

from each Congressional district. A member who is in office on the effective date of the bill may complete his or her term.

### **HB 182 — COLON CANCER AWARENESS DAY**

This bill designates the first Friday in March of each year as "Dress in Blue for Colon Cancer Awareness Day" to increase awareness of colon cancer.

### **HB 183 — KANSAS CITY POLICE AND CIVILIAN EMPLOYEES' RETIREMENT SYSTEMS**

This bill changes the laws regarding the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City. In its main provisions, the bill:

(1) Changes the definition of "employee" as it relates to the provisions regarding the retirement systems to prohibit membership in the civilian employees' retirement system by any retired member of the police retirement system or from any other retirement or pension system of Kansas City who is appointed on or after August 28, 2011;

(2) Changes the start date for benefits of a member who retires or terminates after August 28, 2011, to the first day of the month following the month in which a member retires or terminates. No partial benefit is payable for the month in which the member retires or terminates;

(3) Specifies the requirements and time frame for the final beneficiary payment or a survivor's benefit upon the death of a retired member;

(4) Allows creditable service to be purchased by a member who is on an unpaid leave of absence for 30 consecutive days or less and returns from the leave prior to August 28, 2011, if the leave has been approved by the board of police commissioners;

(5) Requires a member, when purchasing prior creditable service after a leave of absence and a return to active service, to pay the actuarial cost as determined at the time of purchase rather than repaying the amount of his or her accumulated contributions with interest; and

(6) Requires a member who terminates membership and later returns to the system and is eligible to purchase prior creditable service to deposit in the pension fund an amount equal to the member's portion of the actuarial cost to restore the service. The portion will be determined on the ratio of the member's contribution rate to the total of the member and employer contribution rate at the time the member elects to purchase the service.



### **SS SCS HB 184 — POLITICAL SUBDIVISIONS** ***(Vetoed by the Governor)***

This bill authorizes commissioners of road districts incorporated under Sections 233.170 - 233.315, RSMo, upon majority vote, to provide compensation for their services of up to \$100 per month plus all expenses incurred in transacting business of the district including reasonable attorney fees. The compensation of a commissioner cannot change during his or her term of office. Currently, only the payment of expenses is authorized.

The bill also specifies that risk coverages procured by an association formed by three or more political subdivisions to provide liability and other insurance will not be deemed to constitute a contract, purchase, or expenditure of public funds and does not require the solicitation of competitive bids. The association is authorized to close meetings, records, and votes under the Open Meetings and Records Law, commonly known as the Sunshine Law, to the extent that the meetings, records, and votes pertain to actuarial analysis, loss history, claims, data, reports, and similar information relating to the determination of member rates and contributions.

### **SCS HB 186 — COUNTY OFFICERS**

This bill changes the laws regarding county officers. In its main provisions, the bill:

(1) Prohibits a person from being elected or appointed the clerk of a county commission unless he or she has resided within the county for one year prior to his or her election instead of the current six-month residency requirement; and

(2) Requires a candidate for county recorder where the offices of the court clerk and recorder of deeds are separate, except in the City of St. Louis or a charter county, to be at least 21 years of age, a registered voter, and a resident of the state and county in which he or she is a candidate for at least one year prior to the general election. If elected, the recorder must continue to be a resident of the county during his or her term of office. In the event of a vacancy in the office due to a resignation or death, the county commission must appoint a deputy recorder or a qualified person to serve as an interim recorder of deeds until the Governor appoints someone to fill the vacancy.

### **HB 190 — CASH TRANSACTIONS BY THE DEPARTMENT OF NATURAL RESOURCES**

Upon a request from the Director of the Department of Natural Resources, this bill authorizes the Commissioner of the Office of Administration to provide funds in an amount up to \$500 each to the

division directors of State Parks and Geology and Land Survey or to any other division within the department to be placed in a revolving fund for the purpose of cash transactions involving the sale of items made by that division.

### **CCS SS HCS HB 193 — CONGRESSIONAL DISTRICTS**

***(Vetoed by the Governor — Overridden by the General Assembly)***

This bill establishes eight districts for the election of representatives to the United States Congress beginning with the 113th Congress. The districts are described by census geography, voting districts, and census blocks in accordance with the 2010 census. Districts currently in statute will remain in effect for any election to fill a vacancy in the 112th Congress.

### **HCS HB 197 — UMBILICAL CORD BLOOD BANKING**

This bill requires the Director of the Department of Health and Senior Services to post on its web site resources relating to umbilical cord blood that have been developed by the Parent's Guide to Cord Blood Foundation or a successor organization. The resources must include an explanation of the potential value and uses of umbilical cord blood, including cord blood cells and stem cells; the differences between using one's own blood cord cells and using related or unrelated cord blood stem cells in the treatment of disease; the differences between public and private cord blood banking; various options available to a mother for donating, storing, or discarding stem cells contained in the cord blood; and other information regarding the medical processes, family considerations, options for ownership and future use, costs, the availability of blood banks, and which racial and ethnic groups are in particular need of cord blood samples. Beginning October 1, 2011, a licensed obstetrician or gynecologist can make available to the patient prior to the beginning of her third trimester or, if later, at her first visit the information posted on the department's web site regarding umbilical cord blood banking.

### **HB 199 — COMMUNITY SERVICE FOR INTOXICATION-RELATED TRAFFIC OFFENSES**

Currently, as an alternative to imprisonment, a prior offender of an intoxication-related traffic offense can perform at least 30 days of community service as one condition of being eligible for parole or probation and a persistent offender can perform at least 60 days of community service. This bill specifies that a prior offender must perform at least 30 days involving at

least 240 hours of community service and a persistent offender must perform at least 60 days involving at least 480 hours of community service before he or she is eligible for probation or parole.

#### **HB 204 — DRIVER'S LICENSE RENEWAL FOR MILITARY PERSONNEL**

Currently, a resident who is a member of the national guard or the armed forces of the United States or any of its reserves who is serving on active duty and fails to renew his or her driver's license is not required to take a complete examination if he or she renews within 60 days after completing the military service. This bill specifies that the member will be given 90 days after completing the military service and re-establishing residence within the state to renew his or her license without being required to take the complete examination.

Any person discharged from the armed forces of the United States will have six months from the date of discharge or within 90 days after re-establishment of residence within the state, whichever is sooner, to renew an expired driver's license without examination. A Missouri resident on active military duty or any dependent, 21 years of age or older, residing outside Missouri or the United States may renew his or her driver's license by mail.

#### **SS SCS HB 209 — NUISANCE ACTIONS** *(Vetoed by the Governor)*

This bill changes the laws regarding county nuisance abatement ordinances, junkyards, and private nuisance actions. In its main provisions, the bill:

(1) Adds the counties of Andrew, Buchanan, Cass, Dade, Jasper, Livingston, and Newton to the list of counties authorized to enact nuisance abatement ordinances regarding the condition of any lot or land in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and is declared to be a public nuisance;

(2) Specifies that the provisions of the bill do not authorize a county to enact nuisance abatement ordinances that provide for the abatement of any condition relating to agricultural structures or operations including, but not limited to, the raising of livestock or row crops and prohibits any county of the first, second, third, or fourth classification from having the power to adopt any ordinance, resolution, or regulation governing any railroad company regulated by the Federal Railroad Administration;

(3) Changes the penalty for a screening violation by a junkyard located within 200 feet of a state or county road by making a first violation a class C misdemeanor and a second or subsequent violation

a class A misdemeanor. In addition to the penalties, a violator must be ordered to remove the junk or build a fence to fully screen the junk from public view. These provisions will not apply to a junkyard located in any incorporated town, village, or city;

(4) Specifies that the exclusive damages that may be awarded to a claimant for a private nuisance originating from property primarily used for crop or animal production purposes will be as follows:

(a) For a permanent nuisance, compensatory damages must be measured by the reduction in the fair market value of the claimant's property caused by the nuisance not to exceed the fair market value of the property;

(b) For a temporary nuisance, compensatory damages must be measured by the reduction in the fair rental value of the claimant's property caused by the nuisance; and

(c) For a nuisance that has been shown by objective and documented evidence to have caused a medical condition to the claimant, compensatory damages arising from the medical condition may be awarded in addition to the aforementioned damages;

(5) Specifies that if a person or his or her successor with ownership interest brings a subsequent claim against the same defendant or the defendant's successors for a temporary nuisance related to a similar activity or use of the property and the activity or use is deemed a nuisance, the activity or use of property at issue must be considered a permanent nuisance and the claimant and his or her successors must be limited to and bound by the remedies available for a permanent nuisance;

(6) Specifies that if a defendant in a private nuisance case where the alleged nuisance is from property used for crop or animal production purposes demonstrates a good faith effort to abate the condition determined to be a nuisance, the nuisance is to be deemed to be not capable of abatement. Substantial compliance with a court order regarding the property will constitute a good faith effort;

(7) Specifies that no person will have standing to bring an action for a private nuisance unless the person has an ownership interest in the property alleged to be affected by the nuisance;

(8) Specifies that a person is not prohibited from recovering damages for:

(a) Annoyance, discomfort, sickness, or emotional distress if the damages are awarded on the basis of a cause of action independent of a claim of nuisance; or

(b) Crop destruction, crop damage, contamination of the seed supply, or a reduction of crop value resulting from contamination of the seed or grain supply, herbicide drift, or other reduction of crop value; and

(9) Requires a copy of the final judgment in any action alleging a private nuisance to be filed with the recorder of deeds in the county in which the judgment was issued. The filing will operate as notice to any purchaser of the claimant's property that the property was related to a previous nuisance claim.

### **SS HCS HB 213 — LATE-TERM ABORTIONS**

This bill revises the definition of "abortion" to mean the act of using or prescribing an instrument, device, medicine, drug, or any other means or substance with the intent to destroy the life of an embryo or fetus in the mother's womb. Except in the case of a medical emergency, no abortion of a viable, unborn child can be performed or induced unless the abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, illness, or injury or when the continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. "Viable" means the stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems.

Except in the case of a medical emergency, a physician must, prior to performing or inducing an abortion, determine the gestational age of the unborn child in a manner consistent with accepted obstetrical and neonatal practices and standards. If a physician determines that the gestational age of the unborn child is 20 weeks or more, he or she must, prior to performing or inducing an abortion, determine if the unborn child is viable by medically determining the gestational age, weight, and lung maturity of the unborn child and enter that information in the woman's medical record. If a physician determines the gestational age of the unborn child is 20 weeks or more and the unborn child is not viable and an abortion is performed or induced, the physician must report these findings and determinations and the reasons for the determinations to the health care facility in which the abortion is performed and to the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration. The physician must also enter the determinations in the woman's medical records and in the individual abortion report submitted to the Department of Health and Senior Services.

If a physician determines that the unborn child is viable, the physician cannot perform or induce an abortion except in the case of a medical emergency. A physician must certify in writing the medical threat posed to the life of the pregnant woman or the medical reasons that continuation of the pregnancy would

cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman before the physician can proceed with performing or inducing an abortion on a woman when it has been determined that the unborn child is viable. Before a physician may perform or induce an abortion on a woman carrying an unborn child that has been determined to be viable, he or she must:

(1) Obtain the agreement of a second physician who has knowledge of accepted obstetrical and neonatal practices and standards and concurs that the abortion is necessary to preserve the life of the pregnant woman or that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. The second physician must also report the reasons and determinations to the health care facility and the board and enter that information in the woman's medical record and the individual report to the Department of Health and Senior Services. The second physician cannot have any legal or financial affiliation or relationship with the physician performing or inducing the abortion; however, this will not apply to a physician whose affiliation or relationship is the result of being employed by or having staff privileges at the same hospital;

(2) Use the available method or technique of abortion that is most likely to preserve the life or health of the unborn child;

(3) Certify in writing the available methods considered and the reasons for choosing the method used; and

(4) Have in attendance at the abortion a second physician who is responsible for taking control of and providing immediate medical care for a child born as a result of the abortion.

Any person who knowingly performs or induces an abortion of an unborn child in violation of these provisions will be guilty of a class C felony and subject to imprisonment for not less than one year and a fine of between \$10,000 and \$50,000. Any physician licensed in this state who pleads guilty to or is found guilty of performing or inducing an abortion of an unborn child in violation of these provisions can have his or her license suspended or revoked by the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration. Any licensed hospital or ambulatory surgical center that knowingly allows an abortion to be performed or induced in violation of these provisions can be subject to the suspension or revocation of its license.

The provisions of the bill are intended by the state legislature to be severable in regards to validity



for purposes of upholding the state and federal constitutions. The General Assembly may appoint, by concurrent resolution, one or more sponsoring members of the bill to intervene if the provisions of the bill are constitutionally challenged.

### **SCS HCS HB 214 — HUMAN TRAFFICKING**

This bill changes the laws regarding human trafficking. In its main provisions, the bill:

(1) Expands the crime of abusing an individual through forced labor to include by causing or threatening to cause serious physical injury to any person, by physically restraining or threatening to physically restrain another person, by blackmail, or by causing a person to believe that he or she will suffer serious physical injury or financial harm if he or she does not perform the labor services. The crime will be punishable by imprisonment for a term of not less than five years and not more than 20 years and a fine of up to \$250,000. If death results from a violation of this crime or if the violation includes kidnapping or an attempt to kidnap, sexual abuse or an attempt to commit sexual abuse when punishable as a class B felony, or an attempt to kill, the crime will be punishable for a term of not less than five years or life and a fine of up to \$250,000 (Section 566.203, RSMo);

(2) Revises the crime of trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor by specifying that a person commits the crime if he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means including, but not limited to, through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm another person for labor or services for the purposes of slavery, involuntary servitude, peonage, or forced labor or benefits, financially or by receiving anything of value, from participation in these activities. The crime will be punishable by imprisonment for a term of not less than five years and not more than 20 years and a fine of up to \$250,000. If death results from a violation of this crime or if the violation includes kidnapping or an attempt to kidnap, sexual abuse or an attempt to commit sexual abuse when punishable as a class B felony, or an attempt to kill, the crime will be punishable by imprisonment for a term of not less than five years or life and a fine of up to \$250,000 (Section 566.206);

(3) Revises the crime of trafficking for the purpose of sexual exploitation by specifying that a person commits the crime if he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means including, but not limited to, through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial

harm another person for the use or employment of the person in sexual conduct, a sexual performance, or the production of specified explicit sexual material or benefits, financially or by receiving anything of value, from participation in these activities. The crime will be punishable by imprisonment for a term of not less than five years and not more than 20 years and a fine of up to \$250,000. If a violation of this crime was effected by force, abduction, or coercion, the punishment will be imprisonment for a term of not less than 10 years or life and a fine of up to \$250,000 (Section 566.209);

(4) Expands the crime of sexual trafficking of a child to include if a person knowingly uses force, abduction, coercion, fraud, deception, or blackmail or causes or threatens to cause financial harm to a person younger than 18 years of age to participate in a commercial sex act, a sexual performance, or the production of specified explicit sexual material or causes a person younger than 18 years of age to engage in a commercial sex act, a sexual performance, or the production of specified explicit sexual material. It will not be a defense that the defendant believed the person was 18 years of age or older. The crime will be punishable by imprisonment for a term of not less than 10 years or life and a fine of up to \$250,000 if the child is younger than 18 years of age. If a violation of this crime was effected by force, abduction, or coercion, the crime will be a felony for which the authorized term of imprisonment is life without eligibility for probation or parole until the defendant serves at least 25 years of his or her sentence (Section 566.212);

(5) Expands the crime of sexual trafficking of a child younger than 12 years of age to include if a person knowingly uses force, abduction, coercion, fraud, deception, or blackmail or causes or threatens to cause financial harm to a person younger than 12 years of age to participate in a commercial sex act, a sexual performance, or the production of specified explicit sexual material or causes a person younger than 12 years of age to engage in a commercial sex act, a sexual performance, or the production of specified explicit sexual material. It will not be a defense that the defendant believed the person was 12 years of age or older (Section 566.213);

(6) Specifies that a court must order a defendant convicted of trafficking or contributing to human trafficking to pay restitution to the victim regardless of whether the defendant is sentenced to a term of imprisonment or probation. The minimum restitution must be an amount determined by the court necessary to compensate the victim for the value of the victim's labor and/or for the mental and physical rehabilitation of the victim and any child of the victim (Section 566.218);



(7) Specifies that it will be an affirmative defense for the offense of prostitution that the defendant engaged in the conduct charged because he or she was coerced to do so by the use of, or threatened use of, unlawful physical force upon himself or herself or a third person in which a person of reasonable firmness in his or her situation would have been unable to resist (Section 566.223.2);

(8) Authorizes the Department of Public Safety to establish procedures for identifying victims of trafficking and to develop training programs and standard protocols for appropriate agencies to educate officials and employees on state and federal laws regulating human trafficking and with the identification and assistance of human trafficking victims. Upon a first encounter with a person who reasonably appears to be a victim of trafficking, a law enforcement agency must notify the Department of Social Services and, where applicable, juvenile justice authorities in order for the agencies to determine whether the victim may be eligible for state or federal services, programs, or assistance (Sections 566.223.3 and 566.223.4);

(9) Allows the Department of Social Services to coordinate with relevant state, federal, and local agencies to evaluate appropriate services for victims of trafficking and allows state agencies to implement programs and enter into contracts with nonprofit agencies, domestic and sexual violence shelters, and other nongovernment organizations to provide services to confirmed victims of trafficking if funds are available (Section 566.223.5);

(10) Allows a victim of trafficking to bring a civil action within 10 years after the later of the final order in the criminal case, the victim's emancipation from the defendant, or the victim's eighteenth birthday against any person who pled guilty to or was found guilty of trafficking to recover the actual damages sustained, court costs, reasonable attorney fees, and punitive damages when determined appropriate by the court (Section 566.223.6); and

(11) Allows the Attorney General to file a civil action to recover from any person or entity that benefits from trafficking a civil penalty of up to \$50,000 for each violation and injunctive and other equitable relief as may be ordered by the court. Any money or property collected by a civil action must first be used to pay restitution to the victim (Section 566.223.7).

#### **HB 217 — ELECTRONIC VOTER IDENTIFICATION VERIFICATION SYSTEMS**

This bill allows an election authority to use an electronic voter identification system or electronic signature pad to verify a voter's address, registration status, and signature information at any polling place.

The system or pad must be able to read identifying information from an individual's driver's or nondriver's license and must allow the election authority to manually enter information into the system from a valid form of personal identification containing the voter's signature.

#### **HCS HB 220 — REAL ESTATE LICENSEE LIABILITY**

Currently, a real estate licensee is immune from liability for statements made by certain expert professionals unless the expert was selected and engaged by the licensee, the statement was made by a person employed by the licensee or broker, or the licensee knew that the statement was false or acted in reckless disregard as to whether the statement was true or false. This bill specifies that the ordering of a report or an inspection alone will not constitute selecting or engaging a person.

#### **HCS HB 223 & 231 — HIGHER EDUCATION FINANCIAL ASSISTANCE PROGRAMS**

Subject to appropriation, this bill requires the Department of Higher Education to make available a nonrenewable advanced placement incentive grant of \$500 to any recipient of financial aid under the A+ Schools or Access Missouri programs if the recipient received a score of three or higher on two advanced placement examinations in mathematics or science while attending a Missouri public high school.

The Nursing Education Incentive Program is established within the Department of Higher Education to address nursing shortages. The State Board of Nursing within the Division of Professional Registration in the Department of Insurance, Financial Institutions and Professional Registration is authorized to provide funding for the program; and subject to appropriation, the Department of Higher Education will award grants to eligible higher education institutions accredited by the Higher Learning Commission of the North Central Association based on criteria to be determined by the board and the Department of Higher Education. Grant award amounts cannot exceed \$150,000, and no campus may receive more than one grant per year. An eligible institution must offer a nursing program that meets the predetermined category and area of need as established by the board and the Department of Higher Education based on data from sources specified in the bill.

The bill also repeals the provisions regarding an obsolete incentive grant program which focused on nontraditional nursing students and the provisions regarding the Nurse Training Incentive Fund.

## **HB 229 — PUBLIC SCHOOL RETIREMENT SYSTEM OF KANSAS CITY**

This bill changes the laws regarding the Public School Retirement System of Kansas City. In its main provisions, the bill:

(1) Revises the definition of “actuarial equivalent” to require the formulas and tables in effect that are used to determine actuarial equivalents to be in a written document maintained at the system’s office and treated for all purposes as part of the documents governing the system. The formulas and tables can be changed if recommended by the system’s actuary and approved by the board of trustees (Section 169.270, RSMo);

(2) Specifies that the system’s retirement plan is intended to be a qualified plan under federal law and requires the board of trustees to interpret the statutes governing the system and to administer the system consistently in all respects with that intent. System assets must be held in trust for the exclusive benefit of its members and their beneficiaries and for defraying reasonable administrative costs (Section 169.280);

(3) Specifies that the rights of all members to benefits accrued to the date of termination or discontinuance, to the extent funded at that time, will be fully vested and nonforfeitable if the system is completely terminated or contributions are discontinued to the system (Section 169.301.4);

(4) Specifies that if a member leaves employment to perform qualified military service and dies while in that service, his or her survivors will be entitled to any additional benefits that would have been provided had the member resumed employment with the employer and then terminated on account of death. In this case, the member’s period of qualified military service will be counted as creditable service for the purpose of vesting but not for the purpose of determining the amount of the member’s retirement allowance (Section 169.301.5);

(5) Specifies that any retired member of the system performing substitute, part-time, or temporary employment for an employer in the system cannot earn more than 50% of the annual salary or wages earned prior to retirement adjusted for inflation and continue to receive his or her retirement allowance. Anyone exceeding this limit will have his or her retirement allowance suspended for any month in which the limit was exceeded and each subsequent month he or she receives remuneration from any employer in the system (Section 169.324); and

(6) Allows any member or beneficiary who is entitled to receive an eligible rollover distribution under federal law to elect to have that distribution transferred directly to another eligible retirement plan. An eligible rollover distribution must include

a distribution to a nonspouse beneficiary that is treated as an eligible rollover distribution under the Internal Revenue Code. The transfer must be made in compliance with the requirements of Section 401(a)(31) of the federal Internal Revenue Code (Section 169.328).

## **HCS HB 250 — WATER WELL REGULATIONS**

This bill specifies that any water system that exclusively serves a charitable or benevolent organization will be exempt from all rules relating to well construction except those applying to a multifamily well unless the well or pump installation for the well is determined to present a threat to groundwater or public health. A water system cannot be exempt if it regularly serves an average of 100 or more people for at least 60 days of the year or if it serves a school or day care facility.

If a system has three or more violations of the total coliform maximum contaminant level in a 12-month period or one acute violation of the maximum contaminant level, the system’s owner must provide an alternative source of water, eliminate the source of contamination, or provide treatment that reliably achieves at least 99.99% treatment of viruses.

An exempt organization cannot be required to replace, change, upgrade, or alter an existing well constructed prior to August 28, 2011, unless the well is determined to be a threat to groundwater or public health or contains certain contaminant levels.

## **SCS HB 256 — BASIC CIVIL LEGAL SERVICES FUND**

*(Vetoed by the Governor)*

This bill extends the expiration date of the provisions regarding the Basic Civil Legal Services Fund from December 31, 2012, to December 31, 2018.

## **HB 260 — UNIFORM INTERSTATE FAMILY SUPPORT ACT**

This bill repeals the provisions regarding the Uniform Interstate Family Support Act; re-enacts them to be consistent with the changes adopted by the National Conference of Commissioners on Uniform State Laws; and extends the provisions of the act to the establishment, enforcement, or modification of a child or spousal support order that involves a foreign country that is a party to the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

Whenever more than one state is involved in establishing, enforcing, or modifying a child or spousal support order, the act specifies the jurisdiction and power of the courts in the different states and establishes which state’s law will be applied in the proceeding. The act establishes rules

requiring every state to defer to the child support order entered by the court of the child's home state. The place where the order was originally entered holds continuing exclusive jurisdiction; and only the law of that state can be applied to a request to modify the order of child support, unless the original tribunal loses the continuing exclusive jurisdiction. Various direct interstate enforcement mechanisms are specified in the bill.

The bill becomes effective upon ratification by the United States Congress.

## **SS SCS HCS HB 265 — PROFESSIONAL REGISTRATION**

This bill changes the laws regarding professional registration.

### **PROFESSIONAL LICENSES (Section 324.014, RSMo)**

Any board, commission, committee, council, or office in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must notify any known current employer of a change in a licensee's license and discipline status. An employer may provide any board, commission, committee, council, or office in the division with a current list of licensed employees and request in writing to the board, commission, committee, council, or office to be notified regarding any change in the licensing status of an employee.

### **DIVISION OF PROFESSIONAL REGISTRATION (Sections 324.043, 324.045, 536.036, 536.067, 621.045, and 621.100)**

The bill changes the laws regarding disciplinary and administrative procedures for professions and businesses regulated by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration. The division or any board, committee, commission, or office within the division is authorized to enter a default decision against a licensee if he or she fails, upon proper notice, to plead or otherwise defend against a disciplinary proceeding. A default decision may be set aside if, within 30 days after the default decision, the person files a motion which states facts constituting a meritorious defense and for good cause shown.

### **LICENSURE OF FUNERAL DIRECTORS AND EMBALMERS (Sections 333.041 - 333.061, 333.091, 333.151, and 333.171)**

The bill:

(1) Allows, at the discretion of the State Board of Embalmers and Funeral Directors within the

Department of Insurance, Financial Institutions and Professional Registration, a general equivalency diploma to satisfy the requirement that an applicant for a license as a funeral director or an embalmer have a high school diploma;

(2) Removes the provision requiring an applicant for a funeral director's or embalmer's license to be a Missouri resident or a resident of a county which borders Missouri;

(3) Removes the provision requiring an applicant for an embalmer's license to graduate from an accredited institute of mortuary science education and instead requires him or her to complete a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity approved by the board;

(4) Specifies that an applicant for a funeral director's or embalmer's license must complete at least a 12-consecutive-month apprentice program. Currently, a person must complete an apprenticeship for at least 12 months;

(5) Removes the provision requiring a funeral director or an embalmer to have his or her registration recorded in the office of the local registrar of vital statistics in the district where he or she practices; and

(6) Changes the membership of the board from 10 to six and requires its membership to represent diversity in gender, race, ethnicity, and geographic regions of the state and specifies that a majority of the members will constitute a quorum.

### **STATE BOARD OF REGISTRATION FOR THE HEALING ARTS (Sections 334.001, 334.040, 334.070, 334.090, 334.099, 334.100, 334.102, 334.103, 334.108, 334.715, 536.063, 536.070, and 621.110)**

The bill:

(1) Requires the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration to release, upon the request of any person, certain specified information regarding individuals who are licensed or applying for licensure by the board and allows it to publish the information on its web site. The board must disclose specified confidential information to a licensee or applicant upon request without a cost if the information is less than five years old. If the requested information is more than five years old, the board may charge a fee as specified by regulation;

(2) Removes the provision authorizing the board to require a doctor licensed in another state to pass an examination prior to waiving the Missouri examination requirement. The board is authorized to require the successful completion of another examination,

continuing medical education, or further training prior to issuing a permanent medical license to an applicant who has not actively practiced medicine or held a teaching or faculty position in a specified approved medical or osteopathic school for two of the three years before his or her application;

(3) Removes the provision requiring a doctor to display his or her certificate of registration in his or her office;

(4) Allows the board to initiate a contested hearing to determine if reasonable cause exists to believe that a licensee or applicant is unable to practice his or her profession. The board may require a licensee or applicant for a license to submit to an examination of his or her skills, a multi-disciplinary evaluation, or a substance abuse evaluation after the hearing if there is cause to believe that the individual is incompetent, is mentally or physically incapacitated, or excessively uses or abuses alcohol or controlled substances. A licensee or applicant whose right to practice has been affected must be given an opportunity at reasonable intervals not to exceed 12 months to demonstrate that he or she can resume the competent practice of his or her profession or should be granted a license;

(5) Authorizes the board to cause a complaint to be filed with the Administrative Hearing Commission against a licensee for additional causes including prescribing drugs without a valid physician-patient relationship, being on a state or federal sexual offender registry, violating a probation order or other settlement agreement, unethical or unprofessional conduct involving a minor, knowingly making a false statement to the board, habitual intoxication or dependence on alcohol, failing to comply with a treatment or an aftercare program or probation, or voluntary termination of any controlled substance authority while under investigation;

(6) Requires the board to hold a hearing to determine if probable cause exists when determining whether to apply to the Administrative Hearing Commission for an emergency suspension or restriction on a licensee for engaging in sexual conduct with a patient; engaging in sexual misconduct with a minor; possessing or using a controlled substance without a valid prescription; being adjudicated as incapacitated or disabled by a court; habitual intoxication or alcohol or drug dependence; failing to comply with a treatment program, an aftercare program as part of a board order or settlement agreement, or a licensee's professional health program; receiving a report from specified facilities or a professional health program that the licensee is not fit to practice; or any conduct that is a serious danger to the health, safety, or welfare of a patient or the public. The emergency suspension or restriction

will take effect when the document is served to the licensee. The commission is required to hold a hearing within 45 days of the board's filing of a complaint to determine if cause for discipline exists;

(7) Authorizes the board to initiate a hearing before itself for disciplining a licensee's license or certificate for certain actions. A final decision of the commission or the board is appealable to the circuit court;

(8) Requires a doctor, prior to prescribing any drug, controlled substance, or other treatment through the Internet, to establish a valid physician-patient relationship;

(9) Revises the laws regarding the board's authority to discipline athletic trainers; and

(10) Requires the commission to deliver findings of fact and conclusions of law in a disciplinary case to the appropriate agency within 120 days of the date the case became ready for decision.

#### PRENEED FUNERAL CONTRACTS

(Sections 436.405, 436.412, and 436.445 - 436.456)

The definition of "insurance-funded preneed contract" is revised to include a preneed contract designated to be funded by a deferred annuity contract that is not classified as a variable annuity and has death benefit proceeds that are never less than the sum of premiums paid. A trustee of a preneed trust is allowed to invest trust funds with authorized external investment advisors of a trustee, seller, or provider; and a preneed seller and purchaser can agree in writing to put the funds for the preneed contract into an account in the beneficiary's name and payable on the beneficiary's death to the seller. The bill also changes the procedure for a funeral provider to receive funds after providing funeral services and merchandise and the procedure for a purchaser who wants to cancel a preneed contract funded by a joint account.

#### SCS HB 270 — STATE EMPLOYEES' HEALTH INSURANCE BENEFITS

Beginning with the open enrollment period for the 2012 plan year, this bill requires the Missouri Consolidated Health Care Plan Board of Trustees to offer a qualified high-deductible health insurance plan that has a monthly subscriber premium that is materially lower than the non-high deductible health plan premium with a goal of it being at least 50% lower. The amount of the annual deductible for the high-deductible plan offered cannot be greater than 200% of the minimum annual deductible for self-only coverage and family coverage as established by the federal Internal Revenue Service for the current tax year. The coverage afforded by the high-deductible



plan, after the deductible has been met, must be substantially similar or better than the annual coverage provided by the non-high deductible plan.

If, after the completion of the open enrollment period for the 2012 plan year, fewer than 10% of Missouri's active state employees have enrolled in a high-deductible plan, the board must offer a more competitive high-deductible plan with increased financial and coverage incentives including, but not limited to, alternative annual deductibles, out-of-pocket expenses, and other health plan design features, all within the established federal guidelines, with the goal of having 40% of Missouri's active state employees enrolling in a health savings account compatible high-deductible plan by the open enrollment period for the 2015 plan year.

Currently, the state employees' health insurance plan must provide the same full health benefit coverage to participants who are also eligible for and covered by Medicare. The bill requires the state employees' plan to provide a health insurance plan that offers substantially similar benefits to Medicare to participants who are eligible for and covered by Medicare as well as to participants who are eligible for but not covered by Medicare.

### **SS SCS HB 282 — PUBLIC EMPLOYEE RETIREMENT**

This bill changes the laws regarding public employee retirement.

#### **MISSOURI LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM**

(Sections 70.710 - 70.730, RSMo)

A funding mechanism is created for survivor benefits when a member of the Missouri Local Government Employees' Retirement System dies as the result of a duty-related injury or disease.

#### **KANSAS CITY POLICE AND CIVILIAN EMPLOYEES' RETIREMENT SYSTEMS**

(Sections 86.900, 86.1100 - 86.1120, 86.1140, 86.1150, 86.1230 - 86.1250, 86.1310, 86.1420, 86.1480 - 86.1510, 86.1540, 86.1560, and 86.1600 - 86.1620)

The bill:

(1) Changes the definition of "employee" to prohibit membership in the Civilian Employees' Retirement System of the Police Department of Kansas City by any retired member of the Police Retirement System of Kansas City or from any other retirement or pension system of Kansas City who is appointed on or after August 28, 2011;

(2) Changes the start date for benefits of a member who retires or terminates after August 28, 2011, to the first day of the month following the month in which a

member retires or terminates. No partial benefit is payable for the month in which the member retires or terminates;

(3) Specifies the requirements and time frame for the final beneficiary payment or a survivor's benefit upon the death of a retired member;

(4) Allows creditable service to be purchased by a member who is on an unpaid leave of absence for 30 consecutive days or less and returns from the leave prior to August 28, 2011, if the leave has been approved by the board of police commissioners;

(5) Requires a member, when purchasing prior creditable service after a leave of absence and a return to active service, to pay the actuarial cost as determined at the time of purchase rather than repaying the amount of his or her accumulated contributions with interest; and

(6) Requires a member who terminates membership and later returns to the system and is eligible to purchase prior creditable service to deposit in the pension fund an amount equal to the member's portion of the actuarial cost to restore the service. The portion will be determined on the ratio of the member's contribution rate to the total of the member and employer contribution rate at the time the member elects to purchase the service.

#### **FIREMEN'S RETIREMENT SYSTEM OF ST. LOUIS (Sections 87.127, 87.205, and 87.207)**

The bill:

(1) Specifies that the retirement plan of the Firemen's Retirement System of St. Louis is intended to be a qualified governmental plan under applicable federal law and requires the benefits and conditions of the plan to be interpreted and the system to be operated to ensure that the system meets the federal qualification requirements; and

(2) Changes the laws regarding a member of the system who retires on or after August 28, 2011, because of accidental disability as follows:

(a) Any member retiring because of accidental disability based on a condition of the heart, lungs, or cancer or based on a permanent and total disability which will prevent the member from obtaining employment elsewhere, as determined by the board of trustees of the retirement system, based on medical evidence presented by the system's physicians will receive, regardless of his or her years of credible service, 75% of the earnable compensation then provided for the step in range of salary for the title or rank held by the member at the time of his or her retirement;

(b) Any member retiring because of accidental disability for a condition not stated above will receive a base pension equal to 25% of his or her salary at

the time of retirement. If a member has 25 years or less of creditable service at retirement, he or she will receive an additional 2.75% for each year of creditable service equal to or greater than 10 years but not more than 25 years. A member with more than 25 years of creditable service will receive an additional pension equal to 50% of his or her salary;

(c) A member retiring because of accidental disability other than on a condition of the heart, lungs, or cancer or based on a permanent and total disability which will prevent the member from obtaining employment elsewhere can elect to receive an education allowance in an amount not to exceed the tuition for a state resident at the University of Missouri-St. Louis. The member must enroll in a college, university, community college, or vocational or technical school at the first opportunity after retirement, and the member will be reimbursed upon proof of payment to the institution. The education allowance must cease if the member is no longer a full-time student, fails to provide proof of achievement of a grade point average of two on a four-point scale or the equivalent on another scale for each academic term, or is restored to active service as a firefighter. The education allowance cannot be available for more than five years after the member retires. A member with 25 years or less of creditable service electing to receive the education allowance who is a full-time student will also receive an additional supplemental disability retirement pension in an amount that will pay him or her 100% of the member's active duty salary, excluding the education allowance, for up to five years;

(d) A member who retired due to accidental disability for a reason other than based on a condition of the heart, lungs, or cancer or based on a permanent and total disability which prevents the member from obtaining employment elsewhere with more than 20 years but not more than 25 years of creditable service may waive the right to receive the education allowance, the additional pension allowance, and the supplemental disability retirement pension and may elect instead to receive in addition to the accidental disability retirement base pension an additional pension equal to 40% of the member's salary at the time of retirement if the election is made prior to receiving his or her first accidental disability pension payment; and

(e) The retirement allowance will be increased annually in October for a member who retired due to accidental disability for a reason other than based on a condition of the heart, lungs, or cancer or based on a permanent and total disability which prevents the member from obtaining employment

elsewhere, unless a member has more than 25 years of creditable service, the accidental disability allowance can only increase at a rate of 1% per year, compounded each year, up to age 60, then 5% per year for five years. For a member having more than 25 years of creditable service, the accidental disability allowance can only increase at a rate of 2.25% per year, compounded each year, up to age 60, then 5% per year for five years.

#### MISSOURI DEVELOPMENT FINANCE BOARD EMPLOYEES' RETIREMENT (Section 100.273)

Any person employed by the Missouri Development Finance Board on or after September 1, 2011, in a full-time position will be a state employee and a member of the Missouri State Employees' Retirement System (MOSERS). The employee will not have coverage under the Missouri Consolidated Health Care Plan unless the coverage is requested by the finance board and approved by the board of trustees of the health care plan. An employee of the finance board prior to September 1, 2011, may elect to purchase all or a portion of his or her prior creditable or credited service in MOSERS up to the actual years of prior full-time service with the finance board.

#### TRANSFER OF SERVICE BETWEEN THE MISSOURI DEPARTMENT OF TRANSPORTATION AND HIGHWAY PATROL EMPLOYEES' RETIREMENT SYSTEM AND THE MISSOURI STATE EMPLOYEES' RETIREMENT SYSTEM (Section 104.603)

The Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS) and the Missouri State Employees' Retirement System (MOSERS) must transfer money between the two systems when an employee transfers service between the systems on or after September 1, 2011. The bill specifies the method the systems are required to use to calculate the amount of the transfer payment, and the amount of the money transferred cannot be less than the amount of the employee's accumulated contributions and interest plus any purchased service payments.

#### QUARTERLY REPORTING BY PUBLIC RETIREMENT SYSTEMS (Section 105.661)

Each public retirement system that provides a defined benefit retirement plan is required to submit a quarterly report about the plan's investment performance to the Joint Committee on Public Employee Retirement. If a plan fails to submit the report, the committee may subpoena witnesses, take testimony under oath, and compel the production of records regarding this information pursuant to the committee's authority under Section 21.561.

STATE OF MISSOURI DEFERRED  
COMPENSATION PLAN  
(Sections 105.915 and 105.927)

Each new employee eligible to participate in the State of Missouri Deferred Compensation Plan who is hired on or after July 1, 2012, will automatically be enrolled in the plan unless he or she elects not to participate within the first 30 days of employment. An employee of a state college or university will not be automatically enrolled but may elect to participate in the plan and make contributions. Contributions to the plan will be effective on or after the first day of the month following the date of hire; and the employer will withhold and contribute to the plan an amount equal to 1% of eligible compensation received on and after the date of hire. An employee may change his or her contribution amount or opt in or out of the plan at any time.

Beginning September 1, 2011, if a member is married on the date of his or her death, the member's surviving spouse must automatically be designated as the primary beneficiary under the deferred compensation plan unless the surviving spouse consented in writing, witnessed by a notary public, to allow the participating member to designate someone else as the beneficiary. The automatic beneficiary designation will not apply to designations made prior to that date. The Missouri State Employees' Retirement System (MOSERS) is authorized to adopt and amend plan documents to change the terms and conditions of the plan that are consistent with federal law.

Currently, the state must credit an amount up to \$75 per month, as determined by appropriation, to each qualified participant's deferred compensation account if the participant is making continuous deferrals of at least \$25 per month, the participant has been employed by the state for at least 12 consecutive months, and the state contribution does not exceed the amount that the participant contributes. The bill removes these contribution conditions and allows the funds to be credited to each participant directly by a state agency if that agency's payroll is not issued through the State Treasurer.

**SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215  
— FIREARMS**

This bill changes the laws regarding firearms, ammunition, and concealed carry endorsements. In its main provisions, the bill:

(1) Specifies that the county sheriff's revolving fund may be used to pay for information and data exchange necessary to process applications or renewals for concealed carry endorsements (Section 50.535, RSMo);

(2) Prohibits the sales tax on any firearm or ammunition from being levied at a higher rate than for any sales tax or other excise tax charged on any sporting goods or equipment or any hunting equipment (Section 144.064);

(3) Specifies that a nondriver's license containing a concealed carry endorsement will expire three years from the date the certificate of qualification was issued. The fee for a nondriver's license issued for a period exceeding three years will be \$6 or \$3 for a license issued for a period of three years or less (Sections 302.181 and 571.101.7);

(4) Allows a person to possess, manufacture, transport, repair, or sell a machine gun, short barreled rifle or shotgun, or firearm silencer if he or she conforms with federal law. A person will not commit a crime if he or she possesses, manufactures, transports, repairs, or sells an explosive weapon; an explosive, incendiary, or poisonous substance or material; a gas gun; a switchblade knife; certain explosive bullets; or knuckles if the item was possessed in conformity with federal law and during possession his or her conduct was incident to certain specified actions. A person who possesses, manufactures, transports, repairs, or sells an explosive weapon; an explosive, incendiary, or poisonous substance or material; a gas gun; or a machine gun, short barreled rifle or shotgun, or a firearm silencer in violation of federal law will be guilty of a class C felony. A person who possesses, manufactures, transports, repairs, or sells a switchblade knife, certain explosive bullets, or knuckles in violation of federal law will be guilty of a class A misdemeanor (Section 571.020);

(5) Removes certain specified uses of a firearm from being a crime when the use was reasonably associated with or necessary to the fulfillment of a person's official duties and exempts from the crime of unlawful use of weapons federal probation or flight deck officers, whether they are on duty or are within their agency's jurisdiction, and any member of a fire department who is employed on a full-time basis as a fire investigator and has a valid concealed carry endorsement when the uses are reasonably associated with or are necessary to the fulfillment of his or her official duties. No person who pleads guilty to or is found guilty of a felony violation of unlawful use of weapons can receive a suspended imposition of sentence if the person has previously received a suspended imposition of sentence for any other firearms or weapons-related felony offense. The bill allows an adult to possess a firearm on school property for the purpose of facilitating a school-sanctioned club event and specifies that it is not unlawful for a student to participate in a club-sponsored, firearm-related event under specified conditions (Section 571.030);

(6) Creates the crime of fraudulent purchase of a firearm, a class D felony, if a person knowingly solicits, persuades, encourages, or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate federal or state laws; provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with the intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or willfully procures another to violate these provisions. These provisions do not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives; its agents; or law enforcement officers acting under the direction of the bureau (Section 571.063);

(7) Repeals provisions in Sections 407.500 and 407.505 which restrict the sale of rifles and shotguns by requiring purchasers or sellers to live in Missouri or a contiguous state and to conform to federal and state gun regulations and instead allows a Missouri resident or the resident of any state to purchase any firearm if he or she conforms to federal laws, the laws of the state in which he or she resides, and the laws of this state (Sections 571.085 and 571.087);

(8) Lowers the age at which a person can obtain a concealed carry endorsement from 23 to 21 years of age (Sections 571.101.2 and 571.117);

(9) Specifies that current provisions do not preclude a member of the General Assembly, a full-time or legislative employee of the General Assembly, or a statewide elected official and his or her employees who hold a valid concealed carry endorsement from carrying a concealed firearm in the State Capitol Building (Section 571.107);

(10) Specifies that a certificate of firearms safety training course completion may be issued to any applicant for a concealed carry endorsement by any qualified firearms safety instructor if the applicant completes at least eight hours of instruction that includes a live firing exercise of sufficient duration for the applicant to fire both a revolver and a semiautomatic pistol and successfully hits the target with both handguns. A firearms safety instructor who knowingly provides a sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification will be guilty of a class C misdemeanor (Section 571.111); and

(11) Specifies that a municipality may regulate, by order or ordinance, the shooting of pneumatic guns within its boundaries when, in the opinion of the governing body, it is so heavily populated that the conduct is dangerous to its inhabitants. The municipality may require any minor younger than 12 years of age when using a pneumatic gun on public

property to be supervised. A municipal ordinance may specify that a minor 12 years of age or older can, with parental or guardian consent, use a pneumatic gun at any place designated for its use or on private property with the owner's consent and that a minor must obey all laws, regulations, and restrictions regardless of whether a parent or guardian has permitted the use. No ordinance can prohibit the use of pneumatic guns at facilities approved for shooting ranges (Section 1).

The provisions regarding the issuance of nondriver's licenses containing conceal carry endorsements and the lowering of the age at which a person can obtain a concealed carry endorsement will become effective when the Director of the Department of Revenue begins to issue nondriver's licenses with the conceal carry endorsement that expire three years from the date the certificate of qualification was issued or January 1, 2013, whichever occurs first.

#### **SCS HCS HB 300, 334 & 387 — INTERSCHOLASTIC YOUTH SPORTS BRAIN INJURY PREVENTION ACT**

This bill establishes the Interscholastic Youth Sports Brain Injury Prevention Act which requires, by December 31, 2011, the Department of Health and Senior Services to work with a statewide association of school boards, a statewide student athletic activities association, and an organization that specializes in support services, education, and advocacy for persons with brain injuries to establish rules which develop guidelines, information, and forms to educate coaches, student athletes, and their parents or guardians on the nature and risk of concussion and brain injury including continuing to play after a concussion or brain injury.

Every school district must annually distribute a concussion and brain injury information sheet to each youth athlete in the district's athletic program which must be signed by the athlete's parent or guardian and submitted to the school district prior to the youth athlete participating in any practice or competition.

A youth athlete suspected of sustaining a concussion or brain injury must be removed from competition at that time and for at least 24 hours. He or she must not return to competition until being evaluated by a licensed health care provider trained in the evaluation and management of concussions under the guidelines developed by the department and receiving a written clearance from the provider to return to competition.

An annual report regarding the impact of student athlete concussions and head injuries and efforts that may be made to minimize damages from school sports injuries must be published by any statewide athletic



organization with a public school district as a member and must be distributed to the Joint Committee on Education, the House of Representatives Committee on Elementary and Secondary Education, and the Senate Committee on Education or any other education committee designated by the Speaker of the House of Representatives or the President Pro Tem of the Senate. The first report must be distributed by January 31, 2012, and made available to school districts and parents of students. A public school is prohibited from being a member of any statewide athletic organization which fails to publish the annual report.

### **SCS HB 307 & HB 812 — SPECIAL LICENSE PLATES**

This bill allows the Department of Revenue to issue the following special license plates to any motor vehicle except an apportioned motor vehicle or a commercial motor vehicle licensed in excess of 18,000 pounds:

(1) A “COMBAT ACTION” plate with an image of the combat action badge to any person who has been awarded the combat action badge. To obtain the plate, a person must make application, furnish proof as a recipient of the badge, and pay a \$15 fee in addition to the regular registration fee. No fee can be charged for the personalization of the plate;

(2) A “CASS COUNTY — THE BURNT DISTRICT” plate to a person making an annual \$25 contribution to the Cass County collector and paying a \$15 fee in addition to the regular registration fee. No fee can be charged for the personalization of the plate. Any funds received by the collector, except for reasonable administrative costs, must be distributed within the county with 80% to public safety and 20% to the Cass County parks and recreation department;

(3) A “NIXA EDUCATION FOUNDATION” plate to a person making a \$15 emblem-use contribution to the foundation and paying a \$15 fee in addition to the regular registration fee. No fee can be charged for the personalization of the plate. Prior to the issuance of the plate, the department must be in receipt of an application with specified information and an application fee not to exceed \$5,000 to defray the department’s cost; and

(4) A “DON’T TREAD ON ME” plate to any person who applies.

### **HCS HB 315 — MULTIPLE VERSIONS OF STATE STATUTES**

This bill changes the provisions of the Revised Statutes of Missouri that have been enacted by more than one bill so that there is only one version of a statute.

Some revisions may result in a clarification or change to an existing statute.

### **SS HCS HB 338 — TELECOMMUNICATIONS**

This bill specifies that a telecommunications company may, upon written notice to the Missouri Public Service Commission, elect to be exempt from certain retail rules relating to the provision of service to retail customers which include provisions already mandated by the Federal Communications Commission including, but not limited to, federal rules regarding customer proprietary network information; verification of orders for changing telecommunications service providers, commonly known as slamming; submission or inclusion of charges on customer bills, commonly known as cramming; or the installation, provision, or termination of retail service.

A telecommunications company cannot be exempt from any Missouri Public Service Commission rule which was established under authority delegated to it pursuant to federal statute, rule, or order including, but not limited to, universal service funds, number pooling and conservation efforts, or any authority delegated to the commission to facilitate or enforce any interconnection obligation or other intercarrier issue including, but not limited to, intercarrier compensation, network configuration, or other similar matters.

The bill also allows a telecommunications company, upon written notice to the commission, to elect to be exempt from any requirement to file or maintain with the commission any tariff or schedule of rates, rentals, charges, privileges, facilities, rules, regulations, or forms of contract for telecommunications services offered or provided to residential or business retail end user customers if it posts generally available retail prices for those available services on a publicly accessible web site.

The provisions of the bill cannot affect the rights and obligations of any entity, including the commission, established pursuant to federal law; any state law, rule, regulation, or order related to wholesale rights and obligations; or any tariff or schedule that is filed with and maintained by the commission.

**SS HB 339 — TELECOMMUNICATIONS**

This bill changes the laws regarding telecommunications as they relate to the carrier of last resort obligations. In its main provisions, the bill:

(1) Relieves a local exchange carrier from serving as the carrier of last resort in a greenfield area and from being obligated to provide basic local voice service or any telecommunications service to any occupant of real property if the owner or developer of the property or a person acting on his or her behalf:

(a) Allows an alternative service provider to install its facilities or equipment used to provide local voice services during the construction phase of the real property based on a condition of exclusion of the local exchange carrier;

(b) Accepts or agrees to accept incentives or rewards from an alternative service provider that are contingent upon the provision of any or all local voice services by one or more alternative service providers to the exclusion of the local exchange carrier; or

(c) Collects from the occupants or residents of the property mandatory charges for the provision of any local voice service provided by an alternative service provider including, but not limited to, collection through rent, fees, or dues;

(2) Requires the local exchange carrier relieved of its carrier of last resort obligation to notify the Missouri Public Service Commission in writing of that fact within 120 days after receiving knowledge of that fact;

(3) Allows a local exchange carrier to seek a waiver of its carrier of last resort obligation from the commission for good cause shown based on the facts and circumstances of the provision of services to a particular property. Notice of the petition to seek the waiver must also be given by the carrier to the relevant owner or developer. The commission must make a determination on or before 90 days after the petition is filed with certain specified exceptions;

(4) Requires the owner or developer of the property, if a local exchange carrier is relieved of its carrier of last resort obligation, to notify the occupants of the property and any subsequent owners that the incumbent local exchange carrier does not have facilities installed to serve their property and the name of the person who will be providing the local communications service and the type of technology that will be used to provide the service;

(5) Specifies the conditions for resuming the carrier of last resort obligation by a local exchange carrier if the circumstances under which an exemption was granted change. The local exchange carrier must provide notice to the commission that it is assuming

the carrier of last resort obligation. The local exchange carrier may require an owner or developer to pay the carrier in advance a reasonable fee to recover the costs that exceed the costs that would have been incurred to construct or acquire facilities to serve customers at the real property initially. A petition may be submitted to the original carrier of last resort to make local voice service available if the exclusive contract with the alternative service provider changes or the services are no longer provided. The petition must be submitted by more than 50% of the residents within the exclusive contract area, and the carrier must provide local service within a reasonable period of time but not to exceed 180 days after the request or petition;

(6) Requires the owner or developer who allows an alternative service provider to install its facilities or equipment used to provide local voice service to the property based on a condition of exclusion of the local exchange carrier to provide written notice to the purchaser of the property that there is an exclusion of that local exchange carrier and that the alternative service provider is the exclusive provider of service to the property;

(7) Allows an incumbent local exchange carrier to require a payment from an owner or developer in certain cases where the costs of extending facilities to provide service are not economically reasonable;

(8) Specifies that a telecommunications company may meet its carrier of last resort obligations and its obligations to provide or offer basic local voice or basic interchange telecommunications service by providing local voice service using any technology. If the company uses a wireless technology, the company must use a technology that provides 911 caller location information technology which meets or exceeds wireless Phase II enhanced 911 rules requirements as adopted by the Federal Communications Commission;

(9) Prohibits the carrier of last resort obligation from being transferred to an alternative service provider or provider of local voice service and specifies that any local carrier relieved of its carrier of last resort obligation in a greenfield area will not be deemed to have lost its general designation as a carrier of last resort for service outside the greenfield area;

(10) Allows a telecommunications company, upon notice to the Missouri Public Service Commission, to elect to no longer be designated as a carrier of last resort for any telecommunications service in St. Louis County, St. Louis City, or the portion of Kansas City in Jackson County. The company may provide local voice service using any technology; and

(11) Prohibits a telecommunications company from receiving state high-cost universal service funds

in a high-cost area as defined in Section 392.248, RSMo, if it has been relieved of its carrier of last resort obligation. The company may receive high-cost universal service funds for those areas where it retains the carrier of last resort obligation.

### **HB 340 — COUNTY FACILITIES**

This bill allows a county of any classification to erect and maintain a jail or holding cell facility at a site other than the county seat. Currently, only fourth classification and certain third classification counties are allowed this option.

Currently, the circuit court in Cape Girardeau County is required to hold court and maintain an office of the probate division in the courthouses in the cities of Jackson and Cape Girardeau and the circuit clerk is required to maintain offices in both courthouses. The bill removes that requirement and specifies that the circuit court may hold court and maintain an office of the probate division in Jackson and Cape Girardeau and the circuit clerk may maintain an office at both locations.

The bill contains an emergency clause for the provisions regarding counties erecting and maintaining a jail or holding cell facility at a site other than the county seat.

### **SCS HCS HB 344 — AGRICULTURE**

This bill establishes the Farm-to-Table Advisory Board and changes the laws regarding the Commodity Merchandising Council Program.

#### **FARM-TO-TABLE ADVISORY BOARD (Section 262.950, RSMo)**

The Farm-to-Table Advisory Board is established consisting of at least one representative from the University of Missouri-Extension Service; the departments of Agriculture, Corrections, Economic Development, and Elementary and Secondary Education; and the Office of Administration. The Director of the Department of Agriculture will appoint one person who is actively engaged in the practice of small agribusiness. The representative from the Department of Agriculture will serve as chair of the board and coordinate meetings. The board must hold at least two meetings but may hold more if necessary to fulfill its requirements.

The mission of the board is to provide recommendations for strategies that allow schools and state institutions to more easily incorporate locally grown agricultural products into their cafeteria offerings, salad bars, and vending machines and that increase public awareness of local agricultural

practices and the role that local agriculture plays in sustaining healthy communities and supporting healthy lifestyles.

The board must:

(1) Investigate the status and availability of local, state, federal, and any other resources that may be used to link schools and state institutions with local and regional farms for the purchase of locally grown products, to increase market opportunities for locally grown products, and to assist schools and other entities with education campaigns that teach children and the public about the concepts of food production and consumption, the value of an accessible supply of locally grown food, and the interrelationships between nutrition, food choices, obesity, and health;

(2) Identify any type of barrier that prevents or hinders schools and state institutions from purchasing more locally grown products, the expansion of market opportunities for locally grown products, or schools and other entities from engaging in the educational campaigns;

(3) Develop recommendations for the maximization of existing resources and the development of new or expanded resources that are necessary to accomplish its objectives and the elimination of barriers that hinder these objectives; and

(4) Submit a report with its findings and recommendations to the Governor, General Assembly, and the director of each agency represented on the board by August 31, 2012.

#### **COMMODITY MERCHANDISING COUNCIL PROGRAM (Section 275.360)**

The bill adds a rice grower or producer to those exempt from the provision allowing an agricultural producer or grower to independently request a refund of the fees paid to the Commodity Merchandising Council Program from the Director of the Department of Agriculture.

The provisions regarding the Farm-to-Table Advisory Board will expire August 31, 2012.

### **HCS HB 354 — EMISSIONS INSPECTION OF ELECTRIC DRIVE VEHICLES**

This bill exempts a qualified plug-in electric drive vehicle from the state's motor vehicle emissions inspection program. A "qualified plug-in electric drive vehicle" means a plug-in electric drive vehicle that is made by a manufacturer, has not been modified from the original manufacturer's specifications, can operate solely on electric power, and is capable of recharging its battery from an on-board generation source and an off-board electricity source.

### **HB 358 — POLICE RETIREMENT SYSTEM OF ST. LOUIS**

This bill changes the laws regarding the Police Retirement System of St. Louis by applying federal tax law requirements to the provisions related to annuity distributions, rollovers to individual retirement accounts, rollovers from other retirement plans and accounts, and the annual amount allowed to be distributed to a member.

The bill also specifies that if a member of the retirement system dies on or after January 1, 2007, while performing qualified military service, the member's surviving spouse and other dependents will be entitled to the benefits that would have been provided if the member had returned to active service as a police officer and died while in active service.

### **SCS HB 388 — PATIENT INFORMATION REGARDING BREAST IMPLANTATIONS**

Currently, the attending physician must make available to any patient the advantages; disadvantages; and risks, including cancer, associated with breast implantation prior to surgery as provided in a standardized written summary prepared by the Department of Health and Senior Services. This bill removes the provisions requiring the department to provide the standardized summary information, the physician to make it available to the patient, and the patient to sign a statement acknowledging receipt of the information and requires the attending physician to advise the patient of the advantages, disadvantages, and risks prior to surgery.

### **HCS HB 407 — CERTIFICATE OF INSURANCE FOR PROPERTY AND CASUALTY INSURANCE COVERAGE**

This bill prohibits a person from preparing, issuing, or requesting the issuance of a certificate of insurance form regarding property and casualty insurance unless it has been filed with the Director of the Department of Insurance, Financial Institutions and Professional Registration and from altering or modifying a filed certificate of insurance form. A certificate of insurance is not a policy of insurance but for information only and cannot confer to a holder new or additional policy rights beyond what the referenced insurance policy expressly provides and cannot contain references or opinions on the effect of any other contract. A certificate holder has the legal right to notification of the cancellation, non-renewal, or any material change regarding an insurance policy only if he or she is named within the policy and the notification is required to be provided in the policy. A certificate of insurance cannot create or alter the

terms and conditions of the notice, including the required timing of the notice. An insurance producer can charge a reasonable fee for issuing a certificate of insurance to a policyholder or certificate holder. Any person violating these provisions will be subject to an administrative order and the imposition of any authorized penalty or remedy from the department director.

No person, wherever located, can demand or request the issuance of or knowingly prepare or issue a certificate of insurance that contains any false or misleading information; and no person can prepare, issue, or request an opinion letter or other document that is inconsistent with these provisions, but an insurer or insurance producer may prepare or issue an addendum to a certificate of insurance that lists the forms and endorsements by an insurance policy. These provisions apply to all certificate holders, policyholders, insurers, insurance producers, and certificate of insurance forms issued as a statement of coverage on property operations or risks located in this state regardless of where the holder or producer is located.

Any lender requesting use of an evidence of commercial property insurance exempted under the provisions of the bill which has not been approved for use by the insurer issuing the insurance policy and the insurance producer has advised the lender in writing that the insurance provider has not been authorized to use the requested evidence of commercial insurance will have no cause of action against an insurance producer arising from the use of the form except for acts of intentional misrepresentation or fraud.

### **SCS HCS HB 412 — PHARMACIES**

This bill changes the laws regarding pharmacies.

#### **MISSOURI RX PLAN (Section 208.798, RSMo)**

The bill removes an obsolete provision regarding the Missouri Senior Rx Program and extends the expiration date on the provisions regarding the Missouri Rx Plan from August 28, 2011, to August 28, 2014.

#### **VETERINARY LEGEND DRUGS (Sections 338.010, 338.140, 338.150, 338.220, and 338.240)**

A licensed veterinarian is allowed to administer or prescribe for use only in animals any medicine, drug, or pharmaceutical product including legend drugs under 21 U.S.C. Section 353 by expanding class L veterinary permits issued by the Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration to include the administering or prescribing of legend drugs.

The membership of an advisory committee appointed by the Board of Pharmacy to review



and make recommendations to it regarding drug distributors is increased from five to six by adding a licensed veterinarian recommended by the Board of Veterinary Medicine within the department. The committee will also review and make recommendations to the Board of Pharmacy regarding rules and regulations on veterinary legend drugs.

A pharmacy that only holds a class L veterinary permit is not required to have a pharmacist on site except for when noncontrolled drugs for use in animals are being compounded. A supervising registered pharmacist is responsible for reviewing the activities and records of a class L pharmacy permit holder.

#### BOARD OF PHARMACY (Section 338.055)

The Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration is authorized to refuse to issue a certificate of registration, permit, or license to an applicant for a pharmacy or drug distributor license if the designated pharmacist-in-charge, manager-in-charge, or any office owner, manager, or controlling shareholder of the applicant has committed an act which would be grounds for discipline.

#### WHOLESALE DRUG DISTRIBUTORS (Section 338.330)

The bill defines “legend drug” as it relates to regulating wholesale drug distributors as any drug or biological product that is subject to Section 503(b) of the Federal Food, Drug and Cosmetic Act; is required under federal law to be labeled in certain ways; or is required by law or regulation to be dispensed by prescription only or that is restricted to use by practitioners only. Any investigational new drug or a drug product being used for conducting a clinical trial or investigation under specified situations is exempt from this provision.

The bill contains an emergency clause for the provisions regarding wholesale drug distributors.

#### HB 423 — HEALTH CARE COMPACT

This bill authorizes Missouri to adopt the provisions of the Health Care Compact to improve health care policy within the states by securing consent from the United States Congress to return the authority to regulate health care to the states that have adopted the compact by specifying that the state legislatures have the primary responsibility to regulate health care in their respective states. Missouri and other states that join the compact may suspend federal laws, rules, regulations, and orders regarding health care that are inconsistent with the laws and regulations adopted by the member state pursuant to the compact.

Each member state will have the right to a specified amount of federal funds each fiscal year to support the exercise of the member state's authority under the compact. The federal funding cannot be conditional on any action of or regulation, policy, law, or rule being adopted by the member state. At the beginning of each fiscal year, Congress must establish an initial funding level for each member state that must be calculated based on information provided by each member state and audited by the United States Government Accountability Office.

The Interstate Advisory Health Care Commission is established to study the issues of health care regulation of particular concern to the member states and may make nonbinding recommendations to them. The commission must collect information and data to assist the member states in their regulation of health care, including assessing the performance of various state health care programs and compiling information on health care prices, and must make this information and data available to the legislatures of the member states. The commission must not take any action within a member state that conflicts with any state law of that state.

The compact will become effective upon adoption by at least two member states and the consent of Congress unless Congress, in consenting to the compact, alters its fundamental purposes.

The compact can be amended by the unanimous agreement of the member states; and any amendment will be effective unless, within one year of its adoption, Congress disapproves the amendment.

Any member state may withdraw from the compact by adopting a law to that effect but no withdrawal can take effect until six months after the governor of the withdrawing member state gives notice of the withdrawal to the other member states. The compact must be dissolved upon the withdrawal of all but one of the member states.

#### CCS SS SCS HCS HB 430 — TRANSPORTATION (Vetoed by the Governor)

This bill changes the laws regarding transportation.

#### JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT (Section 21.795, RSMo)

The bill specifies that the seven Senate members of the Joint Committee on Transportation Oversight must be composed, as nearly as possible, of majority and minority party members in the same proportion as the number of majority and minority party members in the Senate. Currently, no more than four members from the same party can be members of the committee.

The Department of Transportation must submit its annual report no later than December 31, instead

of by November 10; and the annual meeting to receive and examine the report must be held prior to February 15, instead of December 1.

#### REIMBURSEMENTS TO BI-STATE DEVELOPMENT AGENCY (Section 70.441)

A person who is convicted, pleads guilty, or pleads nolo contendere for failing to pay the proper fare, fee, or other charge for the use of facilities and conveyances of the Bi-State Development Agency is required to reimburse, in addition to the unpaid fare or charges and any fines, penalties, or sentences imposed by law, the reasonable costs attributable to the enforcement, investigation, and prosecution of the offense by the agency. The court must direct the reimbursement proceeds to the appropriate agency official.

#### BILLBOARDS (Sections 226.540 and 226.541)

The bill:

(1) Allows local authorities to adopt regulations regarding billboard size, height, lighting, and spacing provisions that are more restrictive than state law if they allow for customary usage and comply with the intent of the provisions of Section 226.540. Local regulations cannot prohibit off-premise outdoor advertising structures on commercial or industrial property within 660 feet of federal aid primary or interstate highways;

(2) Specifies that on the date that the Highways and Transportation Commission within the Department of Transportation approves funding for any phase or portion of construction or reconstruction, the rules in effect for outdoor advertising on August 27, 1999, must be reinstated for the section of highway scheduled for construction and an immediate moratorium be imposed on the issuance of state sign permits for new sign structures;

(3) Allows an owner of an existing sign who meets all state requirements for outdoor advertising in effect on August 27, 1999, meets the requirements of the federal/state agreement, and voluntarily executes a partial waiver and reset agreement with the commission to reset the sign on the same or adjoining property as long as the owner obtains the necessary local approval. An owner entering into a reset agreement with the commission will receive compensation for the actual cost of resetting the sign. A sign must be reconstructed with the same type of materials and cannot exceed the square footage of the original sign;

(4) Allows a sign owner 120 days from receiving a written notice that a sign will be displaced by construction to execute a partial waiver and reset agreement. If an owner fails to execute an agreement, the commission has the right to initiate normal

condemnation procedures for the compensated removal of the sign;

(5) Allows a local zoning authority to prohibit an owner from resetting a qualifying sign that does not comply with local regulations; and

(6) Requires all signs to be subject to the biennial inspection fees under Section 226.550.

#### DESIGN-BUILD CONTRACTS FOR HIGHWAY PROJECTS (Section 227.107)

The authority of the Highways and Transportation Commission within the Department of Transportation to enter into design-build projects is extended from July 1, 2012, to July 1, 2018. The commission is also authorized to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of the Daniel Boone Bridge on U. S. Highway 40/61 I-64 located in the counties of St. Charles and St. Louis.

#### RECREATIONAL OFF-HIGHWAY VEHICLES (Section 301.010)

The definition of “recreational off-highway vehicle” is revised to be any motorized vehicle manufactured and used exclusively for off-highway use which is 64 inches or less in width with an unladen dry weight of 1,850 pounds or less, traveling on four or more nonhighway tires, with a nonstraddle seat, and a steering wheel. Currently, the vehicle must be 60 inches or less in width.

#### MOTOR VEHICLE REGISTRATIONS (Section 301.147)

Currently, an owner of a motor vehicle, other than a commercial motor vehicle licensed in excess of 12,000 pounds, may register biennially. The bill allows an owner of a motor vehicle, other than a commercial motor vehicle licensed in excess of 54,000 pounds, to register biennially.

#### MOTOR VEHICLE DEALERS (Sections 301.225, 301.425, 301.559, 301.560, and 301.562)

The bill:

(1) Allows a representative from the Department of Revenue to inspect the premises of a person licensed or required to be licensed to operate a salvage yard;

(2) Requires a person to surrender a certificate of ownership, a license plate or tab, or a Missouri nondriver identification card or driver's license if a peace officer or a representative from the department has probable cause to believe that it was obtained fraudulently. Anyone failing to surrender an item will be guilty of a class A misdemeanor;

(3) Authorizes the department director to issue a dealer's license valid for a period of up to two years and to stagger the license periods for administrative efficiency and equalization of workload;

(4) Exempts certain wholesale and new motor vehicle franchise dealers from maintaining records at their licensed place of business as long as the records are maintained and available for inspection at another office site and exempts certain wholesale dealers from maintaining or posting minimum hours of operation;

(5) Requires the department director to order an agent or employee of the department or a law enforcement officer to secure possession of a person's license or distinctive number plates of any licensee who neglects or refuses to surrender an item which has been suspended or revoked. Anyone not surrendering an item will be guilty of a class A misdemeanor;

(6) Specifies that certain specified events or acts by the holder of any license deemed to present a clear and present danger to the public welfare will be cause for the suspension or revocation of a license; and

(7) Specifies the administrative procedure and notice requirements for the suspension or revocation of a license.

#### SPECIAL LICENSE PLATES

(Sections 301.3084 and 301.4036 and Section 1)

The bill:

(1) Changes the laws regarding the "Breast Cancer Awareness" special license plate by specifying that, upon making a \$25 annual contribution to the newly created Breast Cancer Awareness Fund, a person is allowed to obtain a "Breast Cancer Awareness" plate. The person must pay a \$15 fee in addition to the regular registration fees and present the required documentation. Currently, to obtain a "Breast Cancer Awareness" plate, a person must pay a \$25 emblem-use authorization fee to the Friends of the Missouri Women's Council and submit to the Director of the Department of Revenue an application along with the emblem-use authorization statement issued by the council. The bill replaces the words "MISSOURI WOMEN'S COUNCIL" with "BREAST CANCER AWARENESS" on the special license plate;

(2) Allows for a special license plate for a member of the National Wild Turkey Federation. To obtain the plate, a person must pay a \$15 emblem-use authorization fee to the federation and submit to the department director an application along with the emblem-use authorization statement and a \$15 fee in addition to the regular registration fee. Any person who was previously issued a federation plate and who does not provide an emblem-use authorization statement at a subsequent time of registration will be issued a new plate which does not bear the federation's emblem. Prior to the issuance of the specialty plate, a list of at least 200 potential

applicants for the plate, the proposed art design of the plate, and an application fee not to exceed \$5,000 must be submitted to the department; and

(3) Allows for a special license plate for a member of the National Rifle Association. To obtain the plate, a person must pay a \$25 emblem-use contribution to the association and submit to the department director an application along with the emblem-use authorization statement and a \$15 fee in addition to the regular registration fee. Any person who was previously issued an association plate and who does not provide an emblem-use authorization statement at a subsequent time of registration will be issued a new plate which does not bear the association's emblem.

#### ENDANGERMENT OF EMERGENCY

RESPONDERS (Sections 302.302, 304.890, 304.892, and 304.894)

The bill specifies that a person commits the crime of endangerment of an emergency responder if, while in an active emergency zone as defined in the bill, the person:

(1) Exceeds the posted speed limit by 15 miles per hour or more;

(2) Commits a passing violation;

(3) Fails to stop for an active emergency zone flagman or emergency responder or fails to obey erected traffic control devices or personnel in the active emergency zone;

(4) Drives through or around an active emergency zone by using any lane not clearly designated for that purpose;

(5) Physically assaults, attempts to assault, or threatens to assault an emergency responder with a vehicle or other item;

(6) Intentionally strikes, moves, or alters barrels, barriers, signs, or other devices erected to control the flow of traffic for any reason other than to avoid an obstacle, an emergency, or to protect the health and safety of any person; or

(7) Commits certain specified traffic offenses for which points may be assessed against a person's driver's license.

Upon a finding of guilt or a plea of guilty, any person who commits the crime of endangerment of an emergency responder will be assessed a fine of up to \$1,000 and have four points assessed against his or her driver's license in addition to any other penalty authorized by law. If the offense results in the injury or death of an emergency responder, the person will be guilty of aggravated endangerment of an emergency responder and will be assessed a fine of up to \$5,000 for an injury and \$10,000 for a death with 12 points assessed against the person's driver's license.

The bill requires a court to assess a fine of \$35 in addition to any other authorized fine to a person who is convicted of or who pled guilty to a first offense for a moving violation if the offense occurred within an active emergency zone. For a subsequent conviction or plea of guilty, the court must assess a \$75 fine in addition to any other authorized fine. Upon the first conviction or plea of guilty by any person for a speeding or a passing violation, the court must assess a fine of \$250 in addition to any other authorized fine if the offense occurred within an active emergency zone and at the time the speeding or passing violation occurred there were emergency responders in the zone. For a subsequent conviction or plea, the court must assess a fine of \$300 in addition to any other fine authorized by law. Any driver passing another motor vehicle within an active emergency zone will be guilty of a class C misdemeanor. No person can be assessed an additional fine if the area is not visibly marked by emergency personnel.

#### LIMITED DRIVING PRIVILEGES (Section 302.309)

The bill removes the provisions allowing the issuance of limited driving privileges to a repeat driving while intoxicated offender for the purpose of seeking medical treatment or for any other circumstance that the court or department director finds would create an undue hardship if not allowed but specifies that it can be used for driving to or from the person's place of employment, attending school, attending an alcohol or drug treatment program, or seeking the services of a certified ignition interlock device provider.

The bill specifies that certain repeat offenders will not be eligible for limited driving privileges until they have completed the first 30 days of a suspension or 45 days of a revocation.

#### COMMERCIAL DRIVER'S LICENSES

(Sections 302.341, 302.700, and 302.768)

The bill:

(1) Requires the Director of the Department of Revenue to return the license and remove the suspension from an individual's driving record if he or she was not operating a commercial motor vehicle or was not a commercial driver's license holder at the time of the offense and he or she provides proof of the disposition of the charges, payment of the fine and any court costs, and payment of the reinstatement fee;

(2) Specifies that a person will be disqualified for a commercial driver's license for any withdrawal of his or her privilege to drive a commercial vehicle by the countries of Canada or Mexico as the result of certain specified motor vehicle violations;

(3) Requires an applicant for a commercial driver's license or commercial driver's instruction permit to comply with the requirements of the Federal Motor Carrier Safety Administration by certifying that he or she is:

(a) A driver operating or expecting to operate in interstate or foreign commerce or is otherwise subject to and meets federal rules and is required to obtain a medical examiner's certificate;

(b) A driver operating or expecting to operate entirely in interstate commerce that is exempt from federal law and not required to obtain a medical examiner's certificate;

(c) A driver operating only in intrastate commerce and is subject to Missouri driver qualifications; or

(d) A driver operating or expecting to operate only in intrastate commerce and engaging only in operations exempt from all Missouri driver qualification requirements; and

(4) Specifies that an applicant certifying to operation in nonexempt commerce must provide the state with a current medical examiner's certificate or a certificate accompanied by a medical variance or waiver. The bill specifies the certification process. A person who falsifies any information in an application for or an update of medical certification status information cannot be licensed to operate a commercial vehicle or his or her commercial driver's license must be canceled for a period of one year after the department director discovers the falsification.

#### MUNICIPAL STREETS

(Sections 304.120 and 537.293)

A municipality is required to allow at least one street, with lawful traffic movement and access from both directions, to be available for use by a commercial vehicle to access any road in the state highway system. The bill specifies that the legal use of a vehicle on a public street or highway cannot constitute a public or private nuisance and cannot be the basis of a civil action for a public or private nuisance.

#### VEHICLES HAULING LIVESTOCK OR AGRICULTURAL PRODUCTS (Section 304.180)

The bill specifies that the total gross weight of a vehicle or a combination of vehicles hauling livestock on U. S. Highway 36 from St. Joseph to U. S. Highway 63, on U. S. Highway 65 from the Iowa state line to U. S. Highway 36, and on U. S. Highway 63 from U. S. Highway 36 to the Iowa state line cannot exceed 85,500 pounds. Currently, this weight limit cannot be exceeded on U. S. Highway 36 from St. Joseph to U. S. Highway 65 and on U. S. Highway 65 from the Iowa state line to U. S. Highway 36.



## RELOCATION OF MANUFACTURED HOMES (Section 304.200)

The transportation of a manufactured home is prohibited unless the owner of the home has paid property taxes on the home for the taxable year in which the home is being moved and for all prior taxable years. The homeowner or title holder must obtain a receipt from the county collector showing that all property taxes on the home have been paid prior to the transport.

## HOUSEHOLD GOODS MOTOR CARRIER REGULATIONS (Sections 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 387.207, 387.355, 390.051, 390.054, 390.061, 390.116, and 390.280)

The bill:

(1) Exempts a motor carrier transporting household goods in intrastate commerce from the requirement to file its schedule of rates, fares, and charges with the Highways and Transportation Commission within the Department of Transportation. Currently, only a household goods motor carrier operating exclusively within a commercial zone is not required to file its schedule. In lieu of filing this information with the commission, a household goods motor carrier engaged in intrastate commerce must maintain and publish its schedule of rates, fares, charges, and tolls in each of its stations and offices. The rates must be available for inspection by the commission, shippers, and the public upon request;

(2) Prohibits a household goods motor carrier from participating in a joint tariff except for a joint tariff relating to joint rates for the transportation of household goods over any through routes or by interline service performed by two or more separate motor carriers. A household goods motor carrier participating in through routes or interline service must publish a joint tariff and evidence of its concurrence or acceptance or individual tariff for each participating carrier;

(3) Removes the provision which prohibits a household goods motor carrier from using any schedule of rates or charges that divide the state into territorial rate areas;

(4) Requires the commission to establish consumer protection requirements for motor carriers transporting household goods in intrastate commerce and to establish a system for filing, logging, and responding to consumer complaints;

(5) Specifies that all rates, tolls, charges, schedules, and joint rates fixed by the commission with reference to the transportation of passengers and household goods by a motor carrier will be in force and will be prima facie lawful and reasonable until found otherwise in a suit brought under Chapter 387;

(6) Voids, on August 28, 2011, all rate orders issued by the commission affecting the intrastate transportation of household goods to the extent that the rate order requires or prescribes any minimum, maximum, or minimum and maximum rates for the transportation of the goods;

(7) Specifies that, beginning August 28, 2011, no certificate or permit to transport household goods in intrastate commerce will be issued or renewed unless the applicant demonstrates compliance with state workers' compensation insurance coverage laws for all of its employees;

(8) Removes the provision requiring a contract motor carrier transporting household goods to demonstrate that the proposed service will serve a useful present or future public purpose when applying for a certificate of authority or permit. An applicant for a household goods moving certificate of authority or permit will not have to satisfy the public convenience and necessity test when proposing a new service, an extension of existing service, or a transfer of authority. An applicant for a household goods certificate of authority or permit must be fit and willing and able to perform the proposed service and must conform to other specified requirements; and

(9) Voids any geographic restriction or provision limiting a household goods motor carrier's scope of authority to particular routes within this state contained in a certificate, permit, or both which was issued prior to August 28, 2011, and any similar provision contained in a carrier's tariff schedule filed prior to that date. In lieu of the geographic restrictions, a carrier must be authorized to provide intrastate transportation of household goods between all points and destinations within the state until the time the certificates, permits, and tariff schedules are reissued or amended to reflect the carrier's statewide operating authority.

## MINING PERMITS (Section 444.771)

The Department of Natural Resources and the Land Reclamation Commission within the department are prohibited from issuing a surface mining or a water or air quality permit to any person whose mine plan boundary is within 1,000 feet of any property where an accredited school has been located for at least five years prior to the permit application. This provision does not apply to a request for an expansion to an existing mine or to any underground mining operation.

## COMMUNITY SERVICE FOR INTOXICATION- RELATED TRAFFIC OFFENSES (Section 577.023)

Currently, as an alternative to imprisonment, a prior offender of an intoxication-related traffic offense can perform at least 30 days of community service as one

condition of being eligible for parole or probation and a persistent offender can perform at least 60 days of community service. The bill specifies that a prior offender must perform at least 30 days involving at least 240 hours of community service and a persistent offender must perform at least 60 days involving at least 480 hours of community service before he or she is eligible for probation or parole.

The provisions regarding motor vehicle registrations become effective July 1, 2012; and certain provisions regarding commercial driver's licenses become effective on the date the Director of the Department of Revenue begins accepting medical certifications or May 1, 2013, whichever occurs first.

### **SS SCS HCS HB 431 — FOSTER CARE AND ADOPTION**

This bill creates the Foster Care and Adoptive Parents Recruitment and Retention Fund; establishes a task force on foster care recruitment, licensing, and retention; changes the laws regarding foster care and sibling placements; and establishes the Missouri State Foster Care and Adoption Board.

#### **DESIGNATION OF TAX REFUNDS TO THE FOSTER CARE AND ADOPTIVE PARENTS RECRUITMENT AND RETENTION FUND** (Sections 143.1015 and 453.600, RSMo)

Beginning January 1, 2011, the bill authorizes an individual or corporation to designate at least \$1 on a Missouri individual income tax return or at least \$2 on a combined return of his or her tax refund amount to the newly created Foster Care and Adoptive Parents Recruitment and Retention Fund. A taxpayer may also donate to the fund by sending a separate check with the payment of his or her taxes. The fund is to be administered by the newly established Foster Care and Adoptive Parents Recruitment and Retention Fund Board. Upon appropriation, moneys in the fund must be distributed by the Department of Social Services to grant awards to licensed community-based foster care and adoption recruitment programs.

#### **TASK FORCE ON FOSTER CARE RECRUITMENT, LICENSING, AND RETENTION (Section 210.112)**

The Children's Division within the Department of Social Services must convene a task force to review the recruitment, licensing, and retention of foster and adoptive parents statewide. The task force will include representatives of the division, the department, and the private sector and faith-based community which provide recruitment and licensure services. The task force must study the extent to which changes in the system of recruiting, licensing,

and retaining foster and adoptive parents would enhance the effectiveness of the system statewide and must report its findings with recommendations by December 1, 2011, to the General Assembly and the Governor.

### **FOSTER CARE AND SIBLING PLACEMENTS** (Section 210.565)

The bill establishes the following order of preference for the placement of a child in foster care: grandparents and relatives, a trusted adult who has a pre-existing relationship with the child, and any foster parent who is currently licensed and capable of accepting placement of the child. Any person receiving a preference may be licensed in an expedited manner if a child is placed under the person's care.

The Children's Division within the Department of Social Services is required to make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the division must make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings unless this interaction would be contrary to a sibling's safety or well-being.

### **MISSOURI STATE FOSTER CARE AND ADOPTION BOARD (Section 210.617)**

The Missouri State Foster Care and Adoption Board is established to provide consultation and assistance to the Department of Social Services. The board must draft and provide an independent review of the policies and procedures of the Children's Division within the department related to the provision of foster care and adoption in Missouri. The board must also determine the nature and content of in-service training which must be provided to foster and adoptive parents in order to improve these services to children statewide. Additional duties of the board are specified.

The board must be comprised of two foster or adoptive parents from each of the division's seven areas. Area members must be appointed by the Governor, with the advice and consent of the Senate, from recommendations by regional foster care and adoption boards or other similar entities. The board must annually provide a written report of its activities to the department director; Governor; Office of Child Advocate; and upon request, members of the General Assembly.

The provisions regarding the Foster Care and Adoptive Parents Recruitment and Retention Fund will expire six years from the effective date.

**CCS SS HB 458 — AGRICULTURE**

This bill changes the laws regarding sales tax exemptions for farm equipment, noxious weeds, listing of livestock brands, and grain dealers and establishes the Missouri Farmland Trust Act and the Private Landowner Protection Act.

**SALES TAX EXEMPTION FOR FARM EQUIPMENT**  
(Section 144.030, RSMo)

The bill exempts from state and local sales and use taxes the sale of any accessories for and upgrades to farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and freight charges on any exempt item.

**MISSOURI FARMLAND TRUST ACT**  
(Section 262.815)

The Missouri Farmland Trust Act is established to allow individuals and entities to donate or otherwise convey farmland to the Department of Agriculture to preserve it as farmland and to assist beginning farmers by allowing long-term low and variable cost leases on the land making it affordable for the next generation of farmers to produce food, fiber, and fuel.

The Missouri Farmland Trust will be implemented to accomplish the following objectives:

- (1) Protecting and preserving Missouri's farmland;
- (2) Linking new generations of prospective farmers with present farmers; and
- (3) Promoting best practices in environmental, livestock, and land stewardship.

The Missouri Farmland Trust Advisory Board is established within the department to make recommendations to the department director regarding the appropriate uses of farmland in the trust and the criteria for the selection of program participants and to review and make recommendations regarding applications to lease farmland in the trust.

The bill specifies the membership of the board and the terms of its members. The department is authorized to accept or acquire by purchase, lease, donation, or agreement any agricultural lands, easements, or real and personal property including, but not limited to, buildings, structures, improvements, equipment, or facilities subject to preservation and improvement which will be the property of the trust.

The Missouri Farmland Trust Fund is created consisting of gifts, donations, and appropriations by the General Assembly. Upon appropriation, moneys in the fund must be used for the administration of the trust and may be used to make payments to counties for the value of land in lieu of real and personal property taxes for privately owned land acquired and for the maintenance, operation, regulation, and improvement of the trust's assets to promote agriculture and the general welfare.

Property acquired by the department must be used for agricultural purposes and must be farmed and maintained using the best environmental, conservation, and stewardship practices as specified by the department. No beginning farmer can lease farmland in the trust for more than 20 years. Any person or entity donating to or leasing land from the department must release the state, its employees, volunteers, agents, and any entity acting in concert or on behalf of the state from any and all claims, actions, or demands that he or she and his or her relatives and legal representatives have now or may have in the future for any injury, death, or property damage related to participation in these activities as well as the negligence or any other acts connected to the activities and the condition of the property where the activities occurred.

**NOXIOUS WEEDS**

(Sections 263.190 - 263.241 and 263.450)

The bill:

(1) Specifies that "noxious weed" means any weed designated as noxious by rules established by the Director of the Department of Agriculture and requires the department to maintain a list of noxious weeds and make it available to the public;

(2) Expands the requirement of every landowner to control all noxious weeds growing on his or her land sufficiently to prevent the weeds from going to seed to include any person, association of persons, corporation, partnership, the Highways and Transportation Commission within the Department of Transportation, any state department, state agency, county commission, township board, school board, drainage board, governing body of an incorporated city, railroad company or other transportation company and its authorized agent, and any person supervising state-owned lands;

(3) Prohibits the sale of any noxious weed species; and

(4) Repeals provisions designating specific plants as noxious weeds and requiring entities to control the spread of the weeds as well as the provisions regarding a county noxious weed fund.

**LISTING OF LIVESTOCK BRANDS**

(Section 268.121)

Currently, the Director of the Department of Agriculture must publish a list of all recorded livestock brands in a book form and send a copy of the book and any supplement to the county recorder of deeds in each county and to each licensed livestock market and slaughter plant in the state. The bill removes this requirement and instead specifies that the department director must create a list and make it available on a publicly accessible web site. The list must be updated from time to time.



**GRAIN DEALERS (Sections 276.401, 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280)**

The bill:

(1) Revises the definition of “grain dealer” or “dealer” to exempt a producer or feeder of grain for livestock or poultry who exclusively buys grain for his or her own farming or feeding purposes from licensed grain dealers or whose total grain purchases from producers during his or her fiscal year do not exceed 50,000 bushels instead of the current \$100,000;

(2) Requires every licensed grain dealer or applicant for a grain dealer’s license to maintain a minimum net worth equal to 5% of annual grain purchases as established in the required financial statements. Currently, only certain dealers or applicants are required to maintain a specified minimum net worth;

(3) Requires any licensed grain dealer or applicant to have and maintain current assets at least equal to 100% of current liabilities and specifies certain requirements regarding the calculation of the amount of a dealer’s or applicant’s assets and liabilities;

(4) Increases the minimum surety bond requirement for a licensed grain dealer from \$20,000 to \$50,000 and the maximum from \$300,000 to \$600,000;

(5) Changes the formula for determining the amount of surety bond required by specifying that the amount must be equal to 2% of the dealer’s previous year’s grain purchases or 2% of the estimated amount if the dealer has been engaged in the business for less than a year. Currently, the amount must be between 1% and 5% of the purchases or the estimate;

(6) Changes the net worth an owner of a licensed grain warehouse must have and maintain to the greater of \$10,000 or the amount which results from multiplying the storage capacity of the warehouse by 25 cents per bushel instead of the current 15 cents per bushel; and

(7) Repeals the provision allowing a grain dealer who has purchased less than \$400,000 of grain during the previous year to satisfy the bond requirement by filing with the Director of the Department of Agriculture a bond at the rate of \$1,000 for every \$20,000 worth of grain purchased with a minimum bond of \$10,000.

**PRIVATE LANDOWNER PROTECTION ACT (Section 442.014)**

The Private Landowner Protection Act is established which allows for the creation and enforcement of conservation easements designed to protect the environment or preserve certain historical, architectural, archaeological, or cultural aspects of real property. An easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other easements; and a court

may modify or terminate an easement based on the principles of law and equity.

An existing real property interest is not affected by a conservation easement unless the owner is a party to the easement or consents to it. A conservation easement will be valid in a number of situations that are specified in the bill which are not recognized by common law. Retroactive application is mandated to the extent allowed by state and federal law but cannot place any additional burden or obligation on any grantor or grantee, or on their successors, of a conservation easement.

**SCS HCS HB 464 — STATE BOARDS, COMMISSIONS, COMMITTEES, AND COUNCILS**

This bill eliminates, combines, and revises provisions regarding certain state boards, commissions, committees, and councils. In its main provisions, the bill:

(1) Eliminates the following boards, commissions, committees, and councils:

(a) The Workers Memorial Committee (Section 8.900, RSMo);

(b) The Joint Committee on Wetlands (Section 21.475);

(c) A joint legislative committee to review county salaries (Section 21.780);

(d) The Multistate Tax Compact Advisory Committee (Sections 32.250 and 32.260);

(e) The Joint Committee on Urban Voluntary School Transfer Programs (Section 162.1060);

(f) The Missouri Access to Higher Education Trust and its board of directors (Sections 166.200 - 166.242);

(g) The Missouri State Advisory Council on Pain and Symptom Management (Sections 192.350 - 192.355);

(h) An advisory committee in the Division of Family Services within the Department of Social Services to provide professional and technical consultation regarding medical care aspects for public assistance recipients (Section 208.195);

(i) The Motorcycle Safety Program Advisory Committee (Section 302.136);

(j) The Suicide Prevention Advisory Committee and requires the Missouri Advisory Council for Comprehensive Psychiatric Services to provide oversight for suicide prevention activities (Sections 630.900 - 630.915 and 632.020); and

(k) The Advisory Committee on Lead Poisoning (Section 701.302);

(2) Transfers the Governor’s Council on Disability from the Department of Labor and Industrial Relations to the Office of Administration (Sections 8.650, 37.735 - 37.745, 162.1000, 286.001, 286.005, and 286.200 - 286.210);

(3) Transfers the Missouri Community Service Commission from the Office of the Governor to the Department of Economic Development and changes the number of voting members to at least 15 but no more than 19. The commission must submit an annual report to the Speaker of the House of Representatives, President Pro Tem of the Senate, and Governor before January 31 (Sections 26.600 - 26.614 and 620.580 - 620.592);

(4) Authorizes the board of commissioners of Tower Grove Park to adjust the size of its membership upon the approval of a majority of its members (Section 90.101);

(5) Specifies that the Missouri State Employees Voluntary Life Insurance Fund will be administered by the Commissioner of the Office of Administration instead of the Missouri State Employees Voluntary Life Insurance Commission which is eliminated (Sections 105.1006 - 105.1012);

(6) Renames the Missouri Head Injury Advisory Council to the Missouri Brain Injury Advisory Council, reduces the council membership from 25 to 15, and eliminates the legislative members from its membership. The Department of Health and Senior Services is authorized additional rule-making authority to establish policies and standards which will be applied to all programs and services funded by the department. The Missouri Head Injury Fund is renamed the Missouri Brain Injury Fund (Sections 162.1000, 190.176, 192.735 - 192.739, 192.742, 192.745, 199.001 - 199.010, 199.029 - 199.031, 199.037 - 199.051, and 304.028);

(7) Eliminates the Missouri Rx Plan Advisory Commission; authorizes the Drug Utilization Review Board to provide advice on guidelines, policies, and procedures of the Missouri Rx Plan; and transfers the Drug Utilization Review Board from the Division of Medical Services to the MO HealthNet Division within the Department of Social Services (Sections 208.175 and 208.792);

(8) Eliminates the appointment of legislative members to the Coordinating Council on Special Transportation and specifies that the provisions regarding the council will expire December 31, 2014 (Section 208.275);

(9) Increases the membership of the MO HealthNet Oversight Committee from 18 to 19 by adding an additional non-physician health care professional and changes the qualifications of certain members (Section 208.955);

(10) Changes the membership of the Missouri Children's Services Commission and establishes the Missouri Task Force on Prematurity and Infant Mortality within the commission consisting of 18 members. The task force will expire January 1, 2015,

or upon the submission of a final report, whichever is earlier (Sections 210.101 and 210.105);

(11) Eliminates the Low-level Radioactive Waste Compact Advisory Committee and authorizes the Hazardous Waste Management Commission within the Department of Natural Resources to assume the duties of the committee (Sections 260.372, 260.705, 260.720, 260.725, and 260.735);

(12) Renames the Missouri Fire Education Commission to the Missouri Fire Safety Education/Advisory Commission and increases, from five to nine, the number of members of the commission. The bill also eliminates the Missouri Fire Education Trust Board and the Missouri Fire Safety Advisory Board (Sections 320.094 and 320.205);

(13) Replaces the Board of Licensed Private Fire Investigator Examiners and the Board of Private Investigator Examiners with the newly established Board of Private Investigator and Private Fire Investigator Examiners, changes the requirements for being licensed as a private fire investigator, and adds an exemption from licensing for certain fire instructors (Sections 324.600, 342.603, 324.606, 324.609, 324.612, 324.615, 324.618, 324.621, 324.624, 324.627, 324.630, 324.635, 324.1100 - 324.1140, and 324.1144);

(14) Changes the nomination process for certain members to the Missouri Dental Board and the State Board of Registration for the Healing Arts (Sections 332.021 and 334.120);

(15) Authorizes the Governor with the advice and consent of the Senate, instead of the Director of the Department of Health and Senior Services, to appoint the members of the Missouri Board of Nursing Home Administrators (Sections 344.060 and 660.010);

(16) Removes a provision requiring information in a request by a nursing home administrator to place his or her license on a retired or inactive status to be given under oath (Sections 344.105 and 344.108);

(17) Combines the State Banking Board and the State Savings and Loan Board into the State Banking and Savings and Loan Board; eliminates the State Savings and Loan Commission; changes the composition of the board; and specifies that upon approval of a petition of incorporation for a savings and loan association, the Director of the Division of Finance within the Department of Insurance, Financial Institutions and Professional Registration must certify the approval in writing and deliver one copy of the articles of incorporation to the Secretary of State, along with the incorporation fee. Currently, two copies are required to be given to the Secretary of State (Sections 361.070, 361.092 - 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304 - 369.319, 369.329, 371.060, 371.090, and 371.240);



(18) Authorizes the Small Business Regulatory Fairness Board to hire, subject to appropriation, a one-half time and a full-time equivalent employee to provide specified clerical and administrative support to the board (Section 536.310); and

(19) Dissolves the Missouri Seed Capital Investment Board and transfers its duties to the Missouri Technology Corporation (Sections 620.638 - 620.653).

## **HCS HB 465 — CREDIT UNIONS**

### ***(Vetoed by the Governor)***

This bill changes the laws regarding the Division of Credit Unions within the Department of Insurance, Financial Institutions and Professional Registration. In its main provisions, the bill:

(1) Requires the division director to be appointed by the Governor;

(2) Requires the division director and each employee, before entering upon the discharge of his or her duties, to take an oath that he or she will not reveal any facts, conditions, or affairs of any credit union that he or she may have knowledge of by virtue of his or her official position unless required to do so by law in the discharge of the duties of his or her office or when testifying in any court proceeding;

(3) Prohibits the division director and any division employee who participates in the examination of a credit union or who may be called upon to make an official determination, other than as a member of the Credit Union Commission, from being an officer or director of any credit union regulated by the division or from receiving any payment or gratuity from any of these credit unions, negotiating loans for others, or being indebted to any state-chartered credit union;

(4) Authorizes the division director to compel the production of documents and the attendance of and administer oaths to any person having knowledge of any issue involved with an examination or investigation. The division director may seek judicial enforcement of an administrative subpoena by application to the appropriate court which will be subject to the same defenses or subject to a protective order or conditions as deemed appropriate by the court in accordance with Missouri Supreme Court rules. All information must be held in confidence absent a court's finding of compelling reasons for disclosure except in specified circumstances;

(5) Prohibits a state-chartered credit union, its director, or any of its officers or employees from being charged with libel, slander, or defamation for any good faith communications with the division director or any division employee;

(6) Allows the division director to serve a written notice to an individual of his or her intention to

remove the person from office when it appears that the person while conducting the affairs of a credit union has committed a violation of any law or regulation or a cease and desist order; has violated any agreement or condition imposed in writing by the division director; has engaged in any unsafe or unsound practice; or has committed or engaged in an act, omission, or practice which constitutes a breach of his or her fiduciary duty to the credit union or a crime involving dishonesty or breach of trust. If the division director finds it necessary to protect any credit union or its members, he or she can serve written notice on the person to suspend or prohibit him or her from participating in any manner in the conduct of the affairs of the credit union or from any other credit union supervised by the division director unless the division director gives written consent allowing for participation in another credit union;

(7) Requires the notice of intention to remove a person from or to prohibit his or her participation in a credit union to contain a statement of the facts constituting the grounds for removal or prohibition and the time and place of the hearing regarding the notice. Within 10 days of the suspension or prohibition from participation in the conduct of the affairs of a credit union, the person can apply for a stay of the suspension or prohibition with the circuit court of the county in which the credit union is located or the circuit court of Cole County pending the completion of the administrative proceedings under the notice served upon the person;

(8) Specifies that if at any time there are not enough members to constitute a quorum because of the suspension of one or more members of any board of directors, the remaining members will be vested with the powers or functions of the board until there is a quorum. If all directors have been suspended, the division director will appoint temporary directors;

(9) Removes the provision which prohibits a credit union from issuing a loan to a director or a credit or supervisory committee member of the credit union in excess of \$25,000 for certain specified purposes;

(10) Removes provisions regarding the required amount of reserve funds of a credit union and instead requires all credit unions to establish and maintain sufficient reserves to qualify for and maintain federal share insurance and to meet any requirements concerning minimum reserves established by a regulation of the division director; and

(11) Requires a credit union that is merging to mail or deliver a notice of the meeting to vote upon the merger to each member between 14 and 30 days prior to the meeting. All members must be given the opportunity to vote on the merger or consolidation plan at the meeting or without attending the meeting

by written or electronic ballot. Currently, notice must be given as provided in the credit union's bylaws or by a letter to the shareholders. These same procedures will apply when a state-chartered credit union votes to convert to a federal credit union.

#### **SS SCS HCS HB 470 & 429 — NONRESIDENT ENTERTAINER AND PROFESSIONAL ATHLETIC TEAM MEMBER INCOME TAX**

This bill exempts a not-for-profit entity that receives no benefit from a nonresident entertainer's appearance other than the entertainer's performance from the withholding requirement of the nonresident entertainer and professional athletic team member income tax.

#### **HB 484 — MISSOURI STATE TRANSIT ASSISTANCE PROGRAM**

*(Vetoed by the Governor)*

This bill establishes the Missouri State Transit Assistance Program to be administered by the Department of Transportation to provide state financial assistance to defray the operating and capital costs incurred by public mass transportation service providers. The distribution of any appropriated funds must be determined by evaluating certain factors of each service provider including, but not limited to, population, ridership, cost and efficiency of the program, availability of alternative transportation in the area, and local effort or tax support.

#### **HB 499 — DRIVER'S LICENSE COMPETENCY ASSESSMENT**

This bill adds a professional counselor licensed pursuant to Chapter 337, RSMo, to the list of individuals who can report to the Department of Revenue any person diagnosed or assessed as having a disorder or condition that may prevent him or her from safely operating a motor vehicle in order to provide the department director with good cause to believe that the operator is incompetent or unqualified to retain his or her driver's license allowing the department director to require the person to submit to an examination in order to retain his or her license.

#### **SCS HCS HB 506 — PROPERTY TAX LEVIES**

This bill authorizes any political subdivision that approved a tax increase after August 27, 2008, to levy a rate to collect substantially the same amount of tax revenue as would have been collected by applying the voter-approved increased tax rate ceiling to the total assessed valuation of the political

subdivision on or before the election date, increased by the percentage increase in the federal Consumer Price Index.

Currently, certain political subdivisions that levy separate tax rates on the different subclasses of property are required to revise tax rates when there is a tax rate reduction after certain tax revenue calculations. The bill requires a school district to revise the rates. If voters approved before January 1, 2011, separate stated tax rates to be applied to the different subclasses of property or if voters increase the separate rates that may be levied on the different subclasses of property by different amounts, the single tax rate calculation must be a blended rate that is to be calculated in the manner specified by law.

The bill increases the number of years before a newly constructed residential property which has never been occupied is assessed for property taxation from the second year following the year the construction on the home was completed to the fourth year. This provision will apply to those counties, including St. Louis City, in which the governing body has previously adopted or hereafter adopts these provisions.

Currently, the owner of record of real property located within a transportation development district without residents is allowed one vote per acre. The bill allows the owner of record of real property located within a district without residents which was formed as a joint establishment to have one vote per acre.

#### **HB 550 — NOTICE OF LIEN ON MOTOR VEHICLES, TRAILERS, WATERCRAFT, AND MANUFACTURED HOMES**

This bill specifies that the notice of lien on a motor vehicle or trailer is perfected when it is created if delivered within 30 days to the Director of the Department of Revenue; otherwise, it is perfected at the time of delivery. The notice must contain complete and legible documents containing the name and address of the owner and the secured party; a description of the vehicle or trailer, including the vehicle identification number; and any information as prescribed by the department. The department director must confirm receipt by mail or electronically as soon as possible, but no later than 15 business days, after the filing of the notice of lien.

When refinancing a loan on a motor vehicle, trailer, outboard motor, watercraft, or manufactured home, a notice of lien that is completed by the refinancing lender in a format prescribed by the department director is perfected upon delivery to the department director.

## **SCS HCS HB 552 — BLOOD CLOTTING THERAPIES**

This bill requires the State Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration to establish rules governing the standard of care for pharmacies dispensing blood clotting therapies. The rules must include safeguards to ensure that a pharmacy:

- (1) Has the ability to obtain and fill a prescription as written for all brands of blood clotting products approved by the federal Food and Drug Administration;
- (2) Ships a prescription within two business days for an established patient and within three business days for a new patient in a nonemergency situation;
- (3) Provides an established patient access to blood clotting products within 12 hours of a physician's notification of the patient's emergent need;
- (4) Provides the necessary equipment and supplies for an established patient to administer blood clotting products;
- (5) Has a pharmacist available, onsite or on call, to fill a prescription 24 hours a day, seven days a week, every day of the year;
- (6) Provides a contact telephone number to a patient to report a delivery or product problem;
- (7) Notifies a patient of a blood clotting product or equipment recall or withdrawal within 24 hours of receiving the recall or withdrawal notification; and
- (8) Provides containers and instructions for the proper collection, removal, and disposal of hazardous waste.

Blood clotting product-related services including home delivery of products, equipment, and supplies; medically necessary ancillary infusion equipment and supplies; and assessments that are deemed necessary by the treating physician which are conducted in the participant's home are added to the list of services which are to be paid under MO HealthNet benefits.

## **SS SCS HCS HB 555 — HEALTH CARE**

This bill changes the laws regarding health care.

### **INTELLECTUALLY DISABLED**

Certain references of "mentally retarded," "mental retardation," or "handicapped" in state law are changed to "intellectually disabled" or "developmentally disabled," "intellectual disability" or "developmental disability," or "disabled" respectively including renaming the Missouri Advisory Council on Mental Retardation and Developmental Disabilities as the Missouri Developmental Disabilities Council and the Division of Mental Retardation and Developmental

Disabilities within the Department of Mental Health as the Division of Developmental Disabilities.

### **DISABILITY HISTORY AND AWARENESS MONTH**

The bill designates October of each year as "Disability History and Awareness Month" and allows a school board to require schools within its district to provide instruction on the topic during the month that expands students' knowledge, understanding, and awareness of individuals with disabilities, the history of disability, and the disability rights movement. The instruction can be integrated into the existing school curriculum and may be delivered by qualified school personnel or knowledgeable guest speakers. The goals of the instruction are to include:

- (1) Sensitivity for classmates with disabilities and encouraging educational cultures that nurture safe and inclusive environments for students with disabilities in which bullying is discouraged and respect and appreciation for students with disabilities is encouraged;
- (2) An understanding that there are individuals with disabilities and they have the same rights and responsibilities as any other person;
- (3) A school community that includes students with disabilities in every aspect of society and acknowledges their unique gifts, talents, and contributions; and
- (4) A society that has reaffirmed a local, state, and federal commitment to the full inclusion of and the equal opportunity for all individuals with disabilities.

The Department of Elementary and Secondary Education may identify and adopt preliminary curriculum guidelines for each school board that incorporate these goals. Higher education institutions are also encouraged to conduct and promote activities on their campuses that provide education, understanding, and awareness of individuals with disabilities.

### **MO HEALTHNET OVERSIGHT COMMITTEE**

The membership of the MO HealthNet Oversight Committee is increased from 18 to 19 by adding an additional non-physician health care professional. One non-physician health care professional must be a licensed nurse, and the other must be a licensed psychologist. The members of the committee representing physicians and dentists must be appointed by the Governor with the advice and consent of the Senate in the same manner that members are selected for the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration. The consumer representative, patient advocates, and the public member cannot have a financial interest in the health care industry or have been a state employee within the last five years.



**MISSOURI CHILDREN'S SERVICES COMMISSION**

The membership of the Missouri Children's Services Commission is revised by eliminating one judge member, two House of Representatives members appointed by the Speaker, and two Senate members appointed by the President Pro Tem. Representatives from the departments of Higher Education and Corrections are added.

The 18-member Missouri Task Force on Prematurity and Infant Mortality is established within the commission to seek evidence-based and cost-effective approaches to reduce the state's pre-term birth and infant mortality rates. Six of the 18 members will be members of the General Assembly with two members appointed by the Speaker of the House of Representatives, one by the Minority Leader of the House of Representatives, two by the President Pro Tem of the Senate, and one by the Minority Leader of the Senate. The task force must meet initially by October 15, 2011, and at least quarterly thereafter. By December 31, 2013, the task force must submit a report to the Governor and the General Assembly on its findings. The task force will expire January 1, 2015, or upon submission of the report, whichever is earlier.

**RIGHTS OF INDIVIDUALS WITH DISABILITIES**

The disability or disease of an individual cannot be the basis for a determination to refuse to issue, suspend, or revoke a foster care license; to remove a child from a parent's custody or that a child is in need of care; to terminate parental rights; or to rule that an individual is unfit or not suitable to be an adoptive parent or a foster parent without a specific showing that there is a causal relationship between the disability or disease and a substantial and significant risk of harm to the child.

**ACCESSIBLE PARKING AND PARKING LOTS**

The bill requires any political subdivision or the owner of a private parking lot, when restriping an existing lot or constructing a new parking lot, to designate one in every four spaces as accessible with at least one having an access aisle which is a minimum of 96 inches wide and designated "lift van accessible only" with signs that comply with the federal Americans with Disabilities Act and any rules or regulations established pursuant to the act.

All new signs erected on or after August 28, 2011, relating to disabled parking must contain the words "Accessible Parking" and must not contain "Handicap Parking" or "Handicapped Parking."

**APPOINTMENTS TO THE MISSOURI DENTAL BOARD AND THE STATE BOARD OF REGISTRATION FOR THE HEALING ARTS**

Currently, the Governor is required to make appointments to the Missouri Dental Board and

the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration from a list of names submitted by the Director of the Division of Professional Registration within the department. The bill requires the list to include names provided by the Missouri Dental Association, the Missouri State Medical Association, or the Missouri Association of Osteopathic Physicians and Surgeons respectively based upon which board the appointment will be made. The list must be a public record under the Open Meetings and Records Law, commonly known as the Sunshine Law.

**MENTAL HEALTH EARNINGS FUND**

The bill allows the Mental Health Earnings Fund to be used for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA. Subject to appropriation, the proceeds must be used to fund Mental Health First Aid USA activities and must be accounted for separately from all other revenues deposited into the fund. The Department of Mental Health is not required to pay the fund for proceeds received from these sales and services.

**DEPARTMENT OF MENTAL HEALTH INVESTIGATION REPORTS**

A statutory reference is revised to specify that an investigative report of the Department of Mental Health will be automatically admissible in any hearing before the Administrative Hearing Commission.

**HCS HB 557 — MENTAL HEALTH EARNINGS FUND**

This bill allows the Mental Health Earnings Fund to be used for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA. Subject to appropriation, the proceeds must be used to fund Mental Health First Aid USA activities and must be accounted for separately from all other revenues deposited into the fund. The Department of Mental Health is not required to pay the fund for proceeds received from these sales and services.

**SCS HCS HB 578 — DISPOSAL OF USED TIRES**

This bill allows the state or any political subdivision or agency of the state to transfer possession and ownership of used tires, scrap tires, or tire shred to any in-state private entity to be lawfully disposed of or recycled if the tires or shred are not burned as fuel, except in a permitted facility, or disposed of in a landfill. The cost of transferring the tires or shred must be less than the cost the state, political subdivision, or agency would have otherwise

incurred had it disposed of the tires or shred. The private entity must pay for the transportation of the used tires it receives.

#### **SCS HB 591 — LIMITED DENTAL TEACHING LICENSES**

This bill authorizes the Missouri Dental Board within the Department of Insurance, Financial Institutions and Professional Registration to issue a limited teaching license to a dentist employed as an instructor in an accredited dental school located in this state. In its main provisions, the bill:

- (1) Limits a licensee to practice dentistry to the confines of a dental school program;
- (2) Requires a limited teaching license to be renewed every two years;
- (3) Requires a licensee to be subject to discipline by the board and a license to be automatically canceled or nullified if the holder ceases to be employed by a dental school; and
- (4) Specifies the requirements to qualify for a license.

#### **SS SCS HCS HB 604 — PARENTAL RIGHTS, FOSTER CARE, AND ADOPTION**

This bill creates the Foster Care and Adoptive Parents Recruitment and Retention Fund; establishes a task force on foster care recruitment, licensing, and retention; changes the laws regarding rights of individuals with disabilities, foster care provider investigation reports, and foster care and sibling placements; and establishes the Missouri State Foster Care and Adoption Board.

#### **DESIGNATION OF TAX REFUNDS TO THE FOSTER CARE AND ADOPTIVE PARENTS RECRUITMENT AND RETENTION FUND** (Sections 143.1015 and 453.600, RSMo)

Beginning January 1, 2011, the bill authorizes an individual or corporation to designate at least \$1 on a Missouri individual income tax return or at least \$2 on a combined return of his or her tax refund amount to the newly created Foster Care and Adoptive Parents Recruitment and Retention Fund. A taxpayer may also donate to the fund by sending a separate check with the payment of his or her taxes. The fund is to be administered by the newly established Foster Care and Adoptive Parents Recruitment and Retention Fund Board. Upon appropriation, moneys in the fund must be distributed by the Department of Social Services to grant awards to licensed community-based foster care and adoption recruitment programs.

#### **TASK FORCE ON FOSTER CARE RECRUITMENT, LICENSING, AND RETENTION (Section 210.112)**

The Children's Division within the Department of Social Services must convene a task force to review the recruitment, licensing, and retention of foster and adoptive parents statewide. In addition to representatives of the division and the department, the task force must include representatives of the private sector and faith-based community which provide recruitment and licensure services. The task force must study the extent to which changes in the system of recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness of the system statewide and must report its findings with recommendations by December 1, 2011, to the General Assembly and the Governor.

#### **RIGHTS OF INDIVIDUALS WITH DISABILITIES** (Sections 210.496, 211.031, 211.447, and 453.070)

The bill specifies that the disability or disease of an individual cannot be the basis for a determination to refuse to issue, suspend, or revoke a foster care license; to remove a child from a parent's custody or that a child is in need of care; to terminate parental rights; or to rule that an individual is unfit or not suitable to be an adoptive parent or a foster parent without a specific showing that there is a causal relationship between the disability or disease and a substantial and significant risk of harm to the child.

#### **FOSTER CARE PROVIDER INVESTIGATION REPORTS (Section 210.498)**

Currently, parents and legal guardians can have access to investigation reports conducted by the Children's Division within the Department of Social Services on a foster parent that provides care to his or her child if the foster parent has had a license denial, suspension, or revocation. The bill specifies that the information provided to the parent or legal guardian can include only the information regarding the nature and disposition of any denial, suspension, or revocation of a license to operate a foster home.

#### **FOSTER CARE AND SIBLING PLACEMENTS** (Section 210.565)

The bill establishes the following order or preference for the placement of a child in foster care: grandparents and relatives, a trusted adult who has a pre-existing relationship with the child, and any foster parent who is currently licensed and capable of accepting placement of the child. Any person receiving a preference may be licensed in an expedited manner if a child is placed under the person's care.

The Children's Division within the Department of Social Services is required to make reasonable efforts



to place siblings in the same foster care, kinship, guardianship, or adoptive placement unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the division must make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings unless this interaction would be contrary to a sibling's safety or well-being.

#### MISSOURI STATE FOSTER CARE AND ADOPTION BOARD (Section 210.617)

The Missouri State Foster Care and Adoption Board is established to provide consultation and assistance to the Department of Social Services. The board must draft and provide an independent review of the policies and procedures of the Children's Division within the department related to the provision of foster care and adoption in Missouri. The board must also determine the nature and content of in-service training which must be provided to foster and adoptive parents in order to improve these services to children statewide. Additional duties of the board are specified.

The board must be comprised of two foster or adoptive parents from each of the division's seven areas. Area members must be appointed by the Governor, with the advice and consent of the Senate, from recommendations by regional foster care and adoption boards or other similar entities. The board must annually provide a written report of its activities to the department director; Governor; Office of Child Advocate; and upon request, members of the General Assembly.

The provisions regarding the Foster Care and Adoptive Parents Recruitment and Retention Fund will expire six years from the effective date.

#### SCS HCS HB 631 — DESIGNATION OF TAX REFUNDS TO CERTAIN FUNDS

Beginning January 1, 2011, this bill authorizes an individual or corporation to designate at least \$1 on a Missouri individual income tax return or at least \$2 on a combined return of his or her tax refund amount to the newly created American Red Cross Trust Fund and/or the newly created Developmental Disabilities Waiting List Equity Trust Fund. A taxpayer may also donate to either or both funds by sending a separate check with the payment of his or her taxes.

Moneys in the Developmental Disabilities Waiting List Equity Trust Fund cannot be used to offset any general state revenues.

The provisions of the bill will expire December 31 six years from the effective date.

#### SCS HCS HB 641 — CONTROLLED SUBSTANCES

This bill changes the laws regarding the designation of controlled substances. In its main provisions, the bill:

(1) Adds the following to the list of controlled substances in Schedule I:

(a) Synthetic cannabinoids which include any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist including, but not limited to, the synthetic cannabinoids specifically listed in Section 195.017, RSMo, and any analogues, homologues, isomers, esters, ethers, and salts. These include the compounds commonly found in K3. However, synthetic cannabinoids will not include any approved pharmaceutical authorized by the United States Food and Drug Administration;

(b) 3-Fluoromethcathinone;

(c) 4-Fluoromethcathinone;

(d) Mephedrone, or 4-methylmethcathinone;

(e) 4-methoxymethcathinone;

(f) Methylenedioxypyrovalerone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone, commonly known as bath salts;

(g) Methylone, or 3,4-Methylenedioxymethcathinone; and

(h) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP (Sections 195.010 and 195.017);

(2) Specifies that any analogue or homologue of a Schedule I controlled substance must be treated as a controlled substance in Schedule I for the purposes of any state law (Section 195.022);

(3) Specifies that any person who possesses any controlled substance except 35 grams or less of marijuana or any synthetic cannabinoid will be guilty of a class C felony. Any person who possesses not more than 35 grams of marijuana or any synthetic cannabinoid will be guilty of a class A misdemeanor. Currently, these provisions apply to a person possessing marijuana or certain specified substances (Section 195.202); and

(4) Adds cocaine base to the list of controlled substances for which a person commits the offense of distribution of a controlled substance near a park, a class A felony (Section 195.217).

## **SS#2 HB 648 — INDIVIDUALS WITH DISABILITIES**

This bill changes the laws regarding individuals with disabilities.

### **INTELLECTUALLY DISABLED**

Certain references of “mentally retarded,” “mental retardation,” or “handicapped” in state law are changed to “intellectually disabled” or “developmentally disabled,” “intellectual disability” or “developmental disability,” or “disabled” respectively including renaming the Missouri Advisory Council on Mental Retardation and Developmental Disabilities as the Missouri Developmental Disabilities Council and the Division of Mental Retardation and Developmental Disabilities within the Department of Mental Health as the Division of Developmental Disabilities.

### **MO HEALTHNET OVERSIGHT COMMITTEE**

The membership of the MO HealthNet Oversight Committee is increased from 18 to 19 by adding an additional non-physician health care professional. One non-physician health care professional must be a licensed nurse, and the other must be a licensed psychologist. The members of the committee representing physicians and dentists must be appointed by the Governor with the advice and consent of the Senate in the same manner that members are selected for the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration. The consumer representative, patient advocates, and the public member cannot have a financial interest in the health care industry or have been a state employee within the last five years.

### **RIGHTS OF INDIVIDUALS WITH DISABILITIES**

The disability or disease of an individual cannot be the basis for a determination to refuse to issue, suspend, or revoke a foster care license; to remove a child from a parent’s custody or that a child is in need of care; to terminate parental rights; or to rule that an individual is unfit or not suitable to be an adoptive parent or a foster parent without a specific showing that there is a causal relationship between the disability or disease and a substantial and significant risk of harm to the child.

### **MENTAL HEALTH EARNINGS FUND**

The bill allows the Mental Health Earnings Fund to be used for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA. Subject to appropriation, the proceeds must be used to fund Mental Health First Aid USA activities and must be accounted for separately from all other revenues deposited into the fund. The Department of Mental Health is not

required to pay the fund for proceeds received from these sales and services.

### **DEPARTMENT OF MENTAL HEALTH INVESTIGATION REPORTS**

A statutory reference is revised to specify that an investigative report of the Department of Mental Health will be automatically admissible in any hearing before the Administrative Hearing Commission.

## **SCS HB 661 — DEBT ADJUSTERS**

This bill changes the laws regarding debt adjusters. In its main provisions, the bill:

(1) Revises the definition of “debt adjuster” to be a person who provides or offers to provide debt relief services for a consideration. It does not require the person to collect funds from a debtor and deliver them to the debtor’s creditors (Section 425.010.1, RSMo);

(2) Defines “debt relief services” as any program or service represented, directly or implied, to renegotiate, alter, or settle the terms of a debt between a debtor and any creditors or debt collectors (Section 425.010.4);

(3) Defines “debt settlement plan” as a written agreement or contract between a debt adjuster and a debtor where the debt adjuster, in return for payment, provides debt relief services that contemplates that creditors will settle the debt for less than the principal amount (Section 425.010.5);

(4) Specifies that any person acting as a debt adjuster other than under a debt management or debt settlement plan will be guilty of a misdemeanor upon conviction (Section 425.020);

(5) Allows any individual or organization to administer a debt management or debt settlement plan free of charge (Section 425.025);

(6) Removes a provision requiring a debt adjuster to provide a blanket bond in an amount of \$100,000 and a copy of the bond to be filed with the Director of the Division of Finance within the Department of Insurance, Financial Institutions and Professional Registration and instead requires each initial license application to be accompanied by a surety bond in the principal sum of \$50,000 if the applicant declares that the operation will handle no consumer moneys or a surety bond of \$100,000 otherwise. A debt adjuster must be bonded for the benefit of any debtor damaged by the debt adjuster’s breach of the debt management or debt settlement plan or for his or her failure to properly administer debtor funds (Section 425.027);

(7) Requires a debt adjuster to disclose truthfully, in a clear and conspicuous manner, prior to a debtor consenting to pay for goods or services offered, the

amount of time necessary to achieve the represented results, the amount of money or the percentage of each outstanding debt the debtor needs to accumulate before the debt adjuster will make a settlement offer to a creditor or collector, that the use of the debt relief service will likely adversely affect the debtor's creditworthiness and cost more money, that any funds required to be placed in an account for payment of debts are the debtor's funds that can be withdrawn from the debt relief service at any time without penalty, and that all funds in a debtor's account, excluding any funds earned by the debt adjuster, must be returned to the debtor within seven business days upon request if the debtor withdraws from the debt relief service (Section 425.043.1); and

(8) Prohibits a debt adjuster from receiving any payment for any services until and unless he or she has renegotiated, settled, reduced, or otherwise altered the terms of at least one debt under a debt management or debt settlement plan and the debtor has made at least one payment under the plan. The fee for settling each individual debt enrolled in a debt settlement plan must be in proportion to the total fee for settling the entire debt or must be a percentage of the amount saved as a result of the settlement (Section 425.043.3).

### **SS SCS HCS HB 664 — FIRE FIGHTER BENEFITS**

This bill changes the laws regarding benefits for a fire fighter incurring an infectious disease in the line of duty and the Firemen's Retirement System of St. Louis.

#### **BENEFITS FOR A FIRE FIGHTER INCURRING AN INFECTIOUS DISEASE IN THE LINE OF DUTY**

Any infectious disease, as defined in the bill, which causes a condition of impaired health that results in a disability or death of a fire fighter who has at least five years of service, will be presumed to have been incurred by the fire fighter in the line of duty in certain circumstances, unless the contrary is shown by competent evidence, as it relates to a claim for disability or death or for retirement benefits. The fire fighter must submit to an annual physical examination which includes a blood test.

#### **FIREMEN'S RETIREMENT SYSTEM OF ST. LOUIS**

The bill:

(1) Specifies that the retirement plan of the Firemen's Retirement System of St. Louis is intended to be a qualified governmental plan under applicable federal law and requires the benefits and conditions of the plan to be interpreted and the system to be operated to ensure that the system meets the federal qualification requirements; and

(2) Changes the laws regarding a member of the system who retires on or after August 28, 2011, because of accidental disability as follows:

(a) Any member retiring because of accidental disability based on a condition of the heart, lungs, or cancer or based on a permanent and total disability which will prevent the member from obtaining employment elsewhere, as determined by the board of trustees of the retirement system, based on medical evidence presented by the system's physicians will receive, regardless of his or her years of credible service, 75% of the earnable compensation then provided for the step in range of salary for the title or rank held by the member at the time of his or her retirement;

(b) Any member retiring because of accidental disability for a condition not stated above will receive a base pension equal to 25% of his or her salary at the time of retirement. If a member has 25 years or less of creditable service at retirement, he or she will receive an additional 2.75% for each year of creditable service equal to or greater than 10 years but not more than 25 years. A member with more than 25 years of creditable service will receive an additional pension equal to 50% of his or her salary;

(c) A member retiring because of accidental disability other than on a condition of the heart, lungs, or cancer or based on a permanent and total disability which will prevent the member from obtaining employment elsewhere can elect to receive an education allowance in an amount not to exceed the tuition for a state resident at the University of Missouri-St. Louis. The member must enroll in a college, university, community college, or vocational or technical school at the first opportunity after retirement, and the member will be reimbursed upon proof of payment to the institution. The education allowance must cease if the member is no longer a full-time student, fails to provide proof of achievement of a grade point average of two on a four-point scale or the equivalent on another scale for each academic term, or is restored to active service as a firefighter. The education allowance cannot be available for more than five years after the member retires. A member with 25 years or less of creditable service electing to receive the education allowance who is a full-time student will also receive an additional supplemental disability retirement pension in an amount that will pay him or her 100% of the member's active duty salary, excluding the education allowance, for up to five years;

(d) A member who retired due to accidental disability for a reason other than based on a condition of the heart, lungs, or cancer or based on a permanent and total disability which prevents the member from

obtaining employment elsewhere with more than 20 years but not more than 25 years of creditable service may waive the right to receive the education allowance, the additional pension allowance, and the supplemental disability retirement pension and may elect instead to receive in addition to the accidental disability retirement base pension an additional pension equal to 40% of the member's salary at the time of retirement if the election is made prior to receiving his or her first accidental disability pension payment; and

(e) The retirement allowance will be increased annually in October for a member who retired due to accidental disability for a reason other than based on a condition of the heart, lungs, or cancer or based on a permanent and total disability which prevents the member from obtaining employment elsewhere, unless a member has more than 25 years of creditable service, the accidental disability allowance can only increase at a rate of 1% per year, compounded each year, up to age 60, then 5% per year for five years. For a member having more than 25 years of creditable service, the accidental disability allowance can only increase at a rate of 2.25% per year, compounded each year, up to age 60, then 5% per year for five years.

#### **HB 667 — PROSTATE CANCER PILOT PROGRAMS**

Subject to securing a cooperative agreement with a non-profit entity for funding, this bill establishes two prostate cancer pilot programs within the Department of Health and Senior Services to fund prostate cancer screening and treatment services and to provide education to men residing in the state. One program must be located in St. Louis City and one in Pemiscot, New Madrid, or Dunklin county. The department can contract with the Missouri Foundation for Health to implement the pilot programs. In its main provisions, the bill:

(1) Specifies that the programs must be open to uninsured men or men who have a gross income of up to 150% of the federal poverty level and who are at least 50 years of age or between 35 and 49 years of age who are at high risk for prostate cancer;

(2) Requires the programs to provide prostate cancer screening, referral and treatment services, and outreach and education activities;

(3) Requires, upon appropriation, the department to distribute grants to local health departments and federally qualified health centers for the administration of the programs; and

(4) Requires the department to report to the Governor and General Assembly three years after the initial grants were first administered regarding the

number of individuals screened and treated under the programs, including racial and ethnic data, and any cost savings as a result of the early detection of prostate cancer.

The provisions of the bill will expire six years from the effective date.

#### **HB 675 — COUNTY CORONER TRAINING**

This bill requires every elected or appointed county coroner, deputy coroner, and assistant to the coroner to complete the annually required educational training within six months of his or her election or appointment.

#### **SCS HB 737 — RENEWABLE ENERGY**

This bill changes the laws regarding renewable energy in enhanced enterprise zones and the taxation of hydroelectric power generating equipment. In its main provisions, the bill:

(1) Revises the definition of “new business facility” as it relates to the issuance of enhanced enterprise zone tax credits to mean a facility that does not produce or generate electrical energy from a renewable energy resource;

(2) Allows a renewable energy generation zone to be designated as an enhanced enterprise zone if the zone is found to be blighted by a resolution or ordinance adopted by the governing authority having jurisdiction of the area and if it contains land, improvements, or a lock and dam site which is not being used or is being underutilized for the production, generation, conversion, and conveyance of electrical energy from a renewable energy resource;

(3) Specifies that improvements made to real property which are locally assessed and in a renewable energy generation zone designated as an enhanced enterprise zone may, upon approval of the governing authority, be wholly or partially exempt from assessment and payment of ad valorem taxes of one or more affected political subdivisions for up to 25 years; and

(4) Revises the definition of “real property” as it relates to property taxation to include hydroelectric power generating equipment as defined in the bill.

#### **HB 749 — CHILD ABUSE PREVENTION**

This bill designates April as “Child Abuse Prevention Month” to be observed with activities that increase awareness of the issue and the prevention methods available to reduce child abuse incidents.

The bill also designates the “blue ribbon” as the official state symbol for child abuse prevention.



**HB 795 — MISSOURI SCHOOL READ-IN DAY**

This bill designates the second Friday in March as “Missouri School Read-In Day.” The day is to be appropriately observed with activities that promote an increased awareness of the importance and benefits of reading and that encourage greater emphasis on reading in the school and in the home.

**SCS HB 798, HB 141, HB 153, HCS HB 363, HB 415 & HB 813 — HIGHWAY AND BRIDGE DESIGNATIONS**

This bill renames the Heroes Way Interstate Interchange Designation Program as the Heroes Way Interchange Designation Program and expands the program to include state-numbered highway interchanges.

The bill also designates the following memorial highways and bridges:

(1) The portion of State Highway 8 in St. Francois County from the intersection of State Route M east to the intersection of Main Street in the City of Leadwood as the “Ferlin Huskey Highway”;

(2) The portion of Interstate 44 in the City of St. Louis from the intersection of Vandeventer Avenue east to the intersection of Mississippi Avenue as the “Officer David Haynes Memorial Highway”;

(3) The portion of U. S. Highway 67 in Butler County from County Road 422 to the U. S. Highway 60 East/67 South Bypass as the “Missouri State Highway Patrol Sergeant David May Memorial Highway”;

(4) The portion of Interstate 40/64 in St. Louis County from the Boone’s Crossing overpass at mile marker 17.0 west to the Spirit of St. Louis Airport overpass at mile marker 13.8 as the “Missouri State Highway Patrol Sergeant Joseph G. Schuengel Memorial Highway”;

(5) The bridge carrying Theiss Road over Interstate 270 in St. Louis County as the “Glennon T. Moran Memorial Bridge”;

(6) The bridge carrying State Route E over State Highway 60 in Wright County as the “Pvt Ova A. Kelley Medal of Honor Memorial Bridge”;

(7) The portion of State Highway 25 from U. S. Highway 412 to State Route U/State Route Z in the counties of Dunklin and Stoddard as the “Representative Otto Bean Memorial Highway.”

**SCS HB 1008 — HIGHWAY INFRASTRUCTURE IMPROVEMENT AGREEMENTS**

*(Vetoed by the Governor)*

This bill allows the Highways and Transportation Commission within the Department of Transportation to enter into binding highway infrastructure

improvement agreements to reimburse or repay any funds advanced by or for the benefit of a county, political subdivision, or private entity to expedite state road construction or improvement. An agreement may provide for the assignment of the commission’s reimbursement or repayment obligations.

The commission may condition the reimbursement or repayment upon projected highway revenues only if terms of the contract explicitly state such a condition. The contract must further provide for a date or dates certain for repayment of funds, and the commission may delay repayment if highway revenues fall below the projections used to determine the repayment schedule or if repayment would jeopardize the receipt of federal highway funds if these conditions are included in the terms of the contract.

**HJR 2 — RELIGIOUS FREEDOM IN PUBLIC PLACES**

Upon voter approval, this proposed constitutional amendment guarantees a citizen’s right to pray and worship in all private and public areas including schools as long as the activities are voluntary and subject to the same rules and regulations that apply to all other types of speech.

A citizen’s right to choose any religion or no religion at all is reaffirmed by prohibiting the state or any of its political subdivisions from establishing an official state religion and from coercing any person to participate in any prayer or other religious activity.

The resolution also reaffirms the right of employees and elected officials of the State of Missouri to pray on government premises and public property and ensures the General Assembly and the governing bodies of political subdivisions the right to have ministers, clergy persons, and other individuals offer prayers or invocations at meetings or sessions of the General Assembly or a governing body.

Students are allowed to express their religious beliefs in assignments free from discrimination and cannot be compelled to participate in assignments or presentations that violate their beliefs. A public school receiving state funds is required to display the text of the Bill of Rights of the United States Constitution in a conspicuous and legible manner.

The provisions of the resolution cannot be construed to expand the rights of prisoners in state or local custody beyond those guaranteed by federal law.





**TRULY AGREED TO AND FINALLY PASSED**  
**SENATE BILLS**



**HCS#2 SB 3 — ELECTIONS*****(Vetoed by the Governor)***

This bill changes the laws regarding elections. In its main provisions, the bill:

(1) Requires each local election authority to establish one advance voting center in each county in the state or at least one center for every 100,000 persons which is reasonably distributed throughout the county. Any registered voter may vote by advance ballot in person at any election for a federal or statewide office. Advance voting will begin on the third Saturday prior to the election until the Tuesday immediately preceding the election, excluding Sundays, using absentee voting procedures and ballots including the casting and counting of ballots and the appointment of election judges and polling places. Advance voting centers will be open from 8:00 a.m. to 5:00 p.m. on weekdays and for a four-hour period between 8:00 a.m. and 4:00 p.m. on Saturdays. All provisions of state law regarding the appointment of election judges and polling places and the procedures for casting and counting ballots will apply to advance voting. The counting of votes may be done by automatic tabulating or electronic data processing equipment. The Secretary of State and each local election authority must provide adequate public notice of the advance voting centers and voting times including, but not limited to, a posting at each local election authority's respective office and on the web site of each authority that maintains a web site. All costs associated with the implementation of advance voting must be reimbursed by the state. If there is no appropriation and distribution of funds, an election authority must not conduct advance voting;

(2) Specifies that a person seeking to vote in a public election must establish his or her identity and eligibility to vote as a United States citizen lawfully residing in this state by presenting to election officials one of the specified forms of personal identification which contains his or her photograph. All costs incurred by an election authority to implement the photo identification requirement must be reimbursed by the state. If there is no appropriation and distribution of funds, the election authority must not enforce the photo identification requirement;

(3) Allows an individual to vote by casting a provisional ballot after signing an affidavit if he or she does not possess a required form of personal identification because of a physical or mental disability or handicap, the inability to pay for a birth certificate or other documentation necessary to obtain the identification required to vote, or a sincere religious belief against these forms of personal identification or the person was born on or before January 1, 1941;

(4) Allows an individual to vote by casting a provisional ballot if he or she lacks photographic identification and then return to the election authority within three days after the election with a valid form of identification so that the provisional ballot may be counted;

(5) Requires the state and all fee offices to provide at no cost at least one form of personal identification required to vote to a qualified individual who does not already possess the required identification and desires the identification in order to vote; and

(6) Removes the provision allowing a disabled or elderly person to obtain a nondriver's license photo identification through a mobile processing system operated by the Department of Revenue.

The provisions of the bill are nonseverable; and if any provision is found to be invalid for any reason, the remaining provisions will be invalid. The bill will become effective only upon voter approval of a constitutional amendment that authorizes the General Assembly to enact laws regarding photo identification requirements for elections and advance voting.

**SCS SB 19 — CORPORATE FRANCHISE TAX**

Beginning in the 2012 tax year, this bill gradually reduces the annual corporate franchise tax rate from one-thirtieth of 1% until no tax is imposed for tax years beginning on or after January 1, 2016. The annual tax liability of a corporation for corporate franchise tax for tax years 2011 through 2015 is limited to the amount of the corporation's tax liability for the tax year ending on or before December 31, 2010. If a corporation did not have a corporate franchise tax liability in the 2010 tax year because the corporation was not doing business within the state or did not exist, the corporation's annual franchise tax liability cannot exceed the amount of the corporation's franchise tax liability for its first full taxable year of existence or doing business in the state.

**SB 36 — LEAVE OF ABSENCE FOR CERTAIN CIVIL AIR PATROL MEMBERS**

This bill requires any employee of an employer with 50 or more workers who is or may become a member of the civil air patrol and has met certain qualifications or certification to be granted a leave of absence to perform civil air patrol emergency service duty or counter narcotics missions. The employee will not lose time, regular leave, or any other rights or benefits as a result of this leave of absence. The leave cannot be for more than 15 working days in any calendar year, except for when responding to a state or nationally declared emergency in Missouri.



The employer cannot be required to pay a salary to the employee during this leave of absence and has the right to request that the employee be exempted from responding to a specific mission which must be honored by the Missouri Wing Commander of the Missouri Civil Air Patrol.

The bill contains an emergency clause.

### **SB 38 — PROSTATE CANCER PILOT PROGRAMS**

Subject to securing a cooperative agreement with a non-profit entity for funding, this bill establishes two prostate cancer pilot programs within the Department of Health and Senior Services to fund prostate cancer screening and treatment services and to provide education to men residing in the state. One program must be located in St. Louis City and one in Pemiscot, New Madrid, or Dunklin county. The department can contract with the Missouri Foundation for Health to implement the pilot programs. In its main provisions, the bill:

(1) Specifies that the programs must be open to uninsured men or men who have a gross income of up to 150% of the federal poverty level and who are at least 50 years of age or between 35 and 49 years of age who are at high risk for prostate cancer;

(2) Requires the programs to provide prostate cancer screening, referral and treatment services, and outreach and education activities;

(3) Requires, upon appropriation, the department to distribute grants to local health departments and federally qualified health centers for the administration of the programs; and

(4) Requires the department to report to the Governor and General Assembly three years after the initial grants were first administered regarding the number of individuals screened and treated under the programs, including racial and ethnic data, and any cost savings as a result of the early detection of prostate cancer.

The provisions of the bill will expire six years from the effective date.

### **CCS HCS SB 48 — UTILITIES**

This bill changes the laws regarding utilities. In its main provisions, the bill:

(1) Removes the certified mail requirement for a notice regarding the disconnection of service for the nonpayment of sewer service charges. Currently, any municipality, sewer corporation, or sewer district that contracts with a water company to terminate water service to customer premises for nonpayment of sewer bills is required to send the notice of termination of water service by certified mail (Sections 250.236 and 393.015, RSMo);

(2) Requires an appeal of a Missouri Public Service Commission order or decision to be heard in the appellate court instead of the circuit court and changes the appellate procedures by:

(a) Requiring the commission in any proceeding resulting in the establishment of new rates for certain public utilities to cause to be prepared and approve, after allowing the parties a reasonable opportunity to provide written input, a detailed reconciliation containing the dollar value and rate or charge impact of each contested issue decided by the commission and the customer class billing determinate used by the commission;

(b) Allowing a notice of a commission order affecting a person or corporation to be provided by electronic service in addition to the current options of personal delivery or prepaid mail to the individuals or, in the case of a corporation, to any officer or agent upon whom a summons may be served in accordance with provisions of the code of civil procedure and removing the provision which requires a person or corporation who is served a certified copy of a commission order to notify the commission of its receipt;

(c) Specifying that an appellant may file a notice of appeal with the commission and the appropriate appellate court within 30 days after a request for a rehearing is denied or a final decision on rehearing is made for a commission order or decision issued on or after the effective date of these provisions. The bill specifies the information which must be included with the notice of appeal. Currently, the appellant may apply to the appropriate circuit court within 30 days after the rehearing is denied or the final decision on the rehearing is made;

(d) Requiring the commission to certify its record in the case to the court of appeals within 30 days of the filing of the notice of appeal unless otherwise ordered by the court of appeals;

(e) Specifying that the commission and any party to a commission action or proceeding must have the right to intervene and participate fully in the review proceedings;

(f) Requiring the court of appeals, upon the submission of a case, to render its opinion affirming or setting aside, in whole or in part, the order or decision of the commission under review;

(g) Allowing an appellate court to stay or suspend the operation of a commission order or decision, in whole or in part, that does not involve the establishment of new rates and charges for a public utility if the court determines that great or irreparable damage would otherwise result to the appellant. No stay or suspension of a commission's order or decision will be issued for orders or decisions involving new rates or charges for public utilities that are not classified

as price-cap or competitive companies; however, temporary rate adjustments may be allowed. An appellate court may require the commission to provide temporary rate adjustments in a case where the court determines that a commission order or decision unlawful or unreasonably decided an issue in a manner affecting rates. The requirements for calculating a temporary rate adjustment based on the type of deviation from lawful or reasonable rates are specified in the bill;

(h) Specifying that no action affecting a public utility's collection of rates and charges can be taken in a case where the appellate court cannot make a determination because the commission failed to include adequate findings of fact to support the commission's decision or failed to receive properly offered evidence and requiring the commission to provide the findings of fact to support its decision or issue a new order within 90 days of the court-issued mandate; and

(i) Allowing the commission and any party that is aggrieved by the opinion of an appellate court to seek a rehearing or a transfer to the Missouri Supreme Court under rules established by the court and removing the provision which requires a \$500 bond be filed within 10 days after a judgment has been entered in a circuit court in order to file an appeal with the Missouri Supreme Court or a court of appeals (Sections 386.420, 386.490, and 386.510 - 386.540);

(3) Prohibits any public utility regulated under Chapter 393 from requiring a deposit or guarantee as a condition of continued residential service to any existing customer who has been delinquent in paying his or her utility bill at least five times in 12 consecutive months if the customer has consistently made a payment by the delinquent date each month during the 12 consecutive months and the payment is at least \$75 or 25% of the outstanding balance if the total outstanding balance is \$300 or less. These provisions do not apply to a customer who owes more than \$300 or who has a previously established payment plan with the utility (Section 393.152); and

(4) Allows an owner of a park consisting of at least 50 contiguous acres in which the property is subject to remediation under a clean-up program supervised by the Department of Natural Resources or the United States Environmental Protection Agency to submit an application to the Department of Economic Development to establish a cleanfields renewable energy demonstration project. The department must review all project applications and, in consultation with the Department of Natural Resources, verify satisfaction of all requirements. If the Department of Economic Development approves a project application, it must forward the application and

approval to the Missouri Public Service Commission. Upon receipt of the application and approval, the commission must assign double credit to any electric power, renewable energy, renewable energy credits, or any successor credit generated from certain renewable energy resources or certain electric power generated off-site by utilizing biomass fuel or renewable energy resources (Section 620.2300).

The bill contains an emergency clause for certain provisions regarding the appeal of an issue initially decided by the Missouri Public Service Commission and for the provisions regarding cleanfields renewable energy demonstration projects.

### **SCS SB 54 — PROTECTION OF CHILDREN FROM SEXUAL OFFENDERS**

This bill changes the laws regarding the protection of children from sexual offenders. In its main provisions, the bill:

(1) Authorizes the Office of Child Advocate within the Office of Administration to file any findings or reports regarding the parent or child with the court, issue recommendations regarding the disposition of an investigation which may be provided to the court and the investigating agency, and mediate between an alleged victim of sexual misconduct and a school district (Section 37.710, RSMo);

(2) Specifies that certain provisions regarding the protection of children from sexual offenders will be known as the Amy Hestir Student Protection Act (Section 160.085);

(3) Requires a school employee who is a mandated reporter and the superintendent of the school district to forward any allegation reported by a student of sexual misconduct on the part of a teacher or other school employee to the Children's Division within the Department of Social Services within 24 hours of receiving the information in order for the division to investigate the report. The district must not conduct an investigation for the purpose of determining whether the allegation should be substantiated, but it may investigate the allegation for the purpose of making a decision regarding the accused employee's employment. The investigating officer must review the report using a preponderance of evidence standard (Section 160.261);

(4) Authorizes the Office of Child Advocate to coordinate mediation efforts between a school district and a student when requested by both parties for a child abuse allegation arising in a school setting. The mediator cannot be a mandated reporter of child abuse; and no student, parent, school employee, or district can be required to participate in mediation. The requirements of the mediation procedure are specified in the bill (Section 160.262);

(5) Establishes Erin's Law which creates the Task Force on the Prevention of Sexual Abuse of Children consisting of 18 members including one member appointed by the President Pro Tem of the Senate, one member by the Minority Leader of the Senate, one member by the Speaker of the House of Representatives, and one member by the Minority Leader of the House of Representatives. The task force must make recommendations for reducing the incidents of sexual abuse of children in Missouri; must submit a final report to the Governor, General Assembly, and the State Board of Education within the Department of Elementary and Secondary Education by January 1, 2013; and may adopt and implement a policy addressing sexual abuse of children (Sections 160.2100 and 160.2110);

(6) Prohibits a registered sexual offender or a person required to be registered as a sexual offender from being a candidate for any school board (Section 162.014);

(7) Requires, by July 1, 2012, every school district to adopt a written policy on information that the district provides about a former employee to another public school. A district must immediately suspend an employee who has been investigated by the division and for whom there has been a substantiated finding of sexual misconduct with a student. The district may return the person to employment if the Child Abuse and Neglect Review Board's finding that the allegation is substantiated is reversed by a court on appeal and becomes final. Nothing will preclude a district from otherwise lawfully terminating the employment of an employee about whom there has been an unsubstantiated finding from an investigation. A district employee who is permitted to respond to a request for information regarding a former employee, communicates only the information that the policy directs, and acts in good faith without malice will be immune from any civil action for damages brought by the former employee arising from the communication of the information. If an action is brought against the employee, he or she may request the Attorney General to defend him or her in the suit, except as specified in the bill. If a district received an allegation of an employee's sexual misconduct or the substantiation of an allegation by the review board and the district dismissed or allowed the employee to resign in lieu of being fired and failed to disclose the allegation when furnishing a reference for the former employee or when responding to a potential employer's request for information, the district will be liable for damages to any student of a subsequently employing district who is found by a court of competent jurisdiction to be a victim of the former employee's sexual misconduct. The district will bear third-party

liability for any legal liability and expenses incurred by the employing district caused by the failure to disclose the information. A district that has employed a person for whom there was a substantiated finding from a division investigation must disclose the results of the division's investigation to any other public school that contacts it for a reference. A district is prohibited from discharging or discriminating against an employee who, when acting in good faith, reports alleged sexual misconduct of a teacher or other school employee (Section 162.068);

(8) Requires every school district to develop a written policy by January 1, 2012, concerning teacher-student communication and employee-student communication. Each policy must include appropriate oral and nonverbal personal communication and appropriate use of electronic media. A teacher cannot establish or use a work-related web site unless it is available to school administrators and the child's legal custodian, physical custodian, or legal guardian and cannot establish or use a nonwork-related web site that allows exclusive access with a current or former student. By July 1, 2012, each district must include in its teacher and employee training a component on identifying signs of sexual abuse in children and danger signals of potentially abusive relationships between children and adults with an emphasis on the importance of mandatory reporting of abuse. The training must also include an emphasis on the obligation of mandated reporters to report suspected abuse by other mandatory reporters and how to establish an atmosphere of trust so that students feel their school has concerned adults with whom they feel comfortable discussing matters related to abuse (Section 162.069);

(9) Clarifies that an applicant must complete a background check as provided in Section 168.133 in order to obtain a teaching certificate (Section 168.021);

(10) Adds the crimes of sexual contact with a student while on public school property as well as sexual misconduct in the second or third degree to the offenses for which a teacher's certificate may be revoked (Section 168.071);

(11) Specifies that the criminal background check for a bus driver employed by a pupil transportation company under contract with a school district must be conducted through the State Highway Patrol's criminal record review and must conform to the requirements of the National Child Protection Act of 1993, as amended by the Volunteers for Children Act. The school district will be responsible for conducting the background check on a bus driver employed by the district. A district's criminal background check on school employees must include a search of publicly



available information in an electronic format that displays information through a public index or single case display (Section 168.133.1);

(12) Changes the number of sets of fingerprints an applicant must submit for a criminal history background check from two to one. The Department of Elementary and Secondary Education must facilitate an annual check of employed individuals with current active teaching certificates against criminal history records in the central repository, sexual offender registry, and child abuse central registry. The department must also facilitate procedures for school districts to submit personnel information annually for persons employed by districts who do not hold a certificate but are required to undergo the background checks. The patrol must provide ongoing electronic updates to criminal history background checks of those persons previously submitted by the department. A district may, in its discretion, conduct a new criminal background check and fingerprint collection for a newly hired employee at its expense (Sections 168.133.2 and 168.133.4);

(13) Grants immunity from any civil or criminal liability to a person who is not a school district employee and reports an alleged incident of child abuse to any employee of a district unless he or she makes a false report knowing that it is false or acts in bad faith or with ill intent in making the report. The person will have the same immunity with respect to participation in any judicial proceeding resulting from the report (Section 210.135);

(14) Requires the Children's Division within the Department of Social Services to provide information about the Office of Child Advocate and its services to anyone who is not satisfied with the results of an investigation (Section 210.145);

(15) Allows the division to reopen a case for review at the request of an alleged victim, an alleged perpetrator, or the Office of Child Advocate under certain specified circumstances. An investigation cannot be reopened while a case is pending before a court or when a court has entered a final judgment after a de novo judicial review. Any person who makes a request to reopen an investigation based on facts which the person knows to be false will be guilty of a class A misdemeanor (Section 210.152);

(16) Adds the Department of Elementary and Secondary Education to the list of departments that must collaborate to compare records on child care; elder care; mental health; and personal care workers, including individuals required to undergo a background check under Section 168.133, and to the list of departments that may use registry information to carry out assigned duties (Sections 210.915 and 210.922); and

(17) Changes the statute of limitations for a prosecution of an unlawful sexual offense involving a person 18 years of age or younger so that the prosecution must be commenced within 30 years, rather than 20 years, after the victim reaches the age of 18 with the exception of certain specified crimes (Section 556.037).

The provisions of the bill regarding Erin's Law will expire January 1, 2013.

## **SS SB 55 — TAX CLASSIFICATION OF SAWMILLS**

This bill classifies a sawmill or planing mill defined in the United States Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421 as agricultural and horticultural property instead of commercial property for property taxation purposes.

## **HCS SCS SB 57 — PUBLIC ADMINISTRATORS**

This bill allows a public administrator to request the transfer of any case to the jurisdiction of another county by filing a petition for transfer and requires the court to transfer the case if the requirements for venue are met and the administrator of the receiving county consents to the transfer. The receiving county court must appoint, without the necessity of a hearing, its public administrator as successor guardian and/or successor conservator and issue the appropriate letters. In the case of a conservatorship, the final settlement of the public administrator's conservatorship must be filed in the original county within 30 days of the transfer and forwarded to the receiving county upon audit and approval.

The bill also specifies that risk coverages procured by an association formed by three or more political subdivisions to provide liability and other insurance will not be deemed to constitute a contract, purchase, or expenditure of public funds and does not require the solicitation of competitive bids. The association is authorized to close meetings, records, and votes under the Open Meetings and Records Law, commonly known as the Sunshine Law, to the extent that the meetings, records, and votes pertain to actuarial analysis, loss history, claims, data, reports, and similar information relating to the determination of member rates and contributions.



**CCS HCS SB 59 — JUDICIAL PROCEDURES**

This bill changes the laws regarding judicial procedures.

**TRANSPARENCY IN PRIVATE  
ATTORNEY CONTRACTS ACT**

(Sections 34.376, 34.378, and 34.380, RSMo)

The Transparency in Private Attorney Contracts Act is established which:

(1) Prohibits the state and any of its agents from contracting with a private attorney for a contingency fee unless the Attorney General makes a written determination prior to the contract that the contingency fee representation is both cost effective and in the public interest;

(2) Requires the Attorney General to request written proposals from private attorneys to represent the state if the determination to contract with a private attorney is made unless the Attorney General determines and puts in writing that requesting proposals is not feasible under the circumstances;

(3) Requires the Attorney General to select the lowest and best bid or to request the Office of Administration to establish an independent panel to evaluate the proposals and choose the lowest and best bid;

(4) Requires the government attorney to retain complete control over the course and conduct of the case and the contracted attorney in any contingency fee contract and requires the Attorney General to include provisions in the contract detailing the expectations of both the contracted attorney and the state;

(5) Requires a copy of any contingency fee contract, the Attorney General's written determination, and payments of contingency fees to be posted on the Attorney General's web site;

(6) Requires a private attorney under contract with the state on a contingency fee basis to maintain detailed records of his or her services, expenses, and fees, including time records in increments of no greater than 1/10 of an hour for at least four years after the expiration or termination of the contract. Any request for inspection and copying of records under the Open Meetings and Records Law, commonly known as the Sunshine Law, must be served upon and responded to by the Attorney General's office; and

(7) Requires the Attorney General to annually submit a report by February 1 to the President Pro Tem of the Senate and the Speaker of the House of Representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year and specifies the information which must be included in the report.

**POWERS OF ATTORNEY AND THE UNIFORM  
TRUST CODE (Sections 404.710, 456.3-301,  
456.4-419, 456.5-505, 456.5-508, 456.8-813,  
469.411, 469.437, and 469.459)**

The bill:

(1) Allows an individual authorized to act as a power of attorney to make or prohibit an anatomical gift of all or part of the principal's body under the Revised Uniform Anatomical Gift Act or to exercise the right to bury the principal's body;

(2) Specifies that consent to represent and bind another person is binding on the person represented regardless of whether the person represented objects if the person who may represent and bind is:

(a) The holder of a testamentary power of appointment and the interests of the person represented are subject to the power;

(b) The conservator, conservator ad litem, or guardian and the person represented is disabled; or

(c) A parent and the person represented is a minor or unborn child of the parent;

(3) Changes the laws regarding the Missouri Uniform Trust Code by:

(a) Allowing certain trustees to move trust assets from a first trust to a second trust if the trustee of the first trust determines that moving the trust assets to the second trust is necessary or desirable after considering the terms and purposes of the first and second trusts and the consequences of the move;

(b) Specifying that a second trust can only have beneficiaries who were eligible to receive income or principal under the first trust or may in the future receive income or principal from the first trust;

(c) Prohibiting a trustee from moving trust assets to a second trust if the trustee is a beneficiary of the first trust or if a beneficiary can remove and replace the trustee of the first trust with a person who is related to that beneficiary;

(d) Prohibiting a trustee from moving trust assets to a second trust if it would increase the distributions to the trustee or to a beneficiary who could replace the trustee or if it would remove restrictions that were in the document creating the first trust;

(e) Specifying that moving trust assets cannot reduce any income interest of an income beneficiary of a trust for which a marital deduction has been taken for federal or state tax purposes, a charitable remainder trust, a grantor retained annuity trust, or a Subchapter S trust or an electing small business trust;

(f) Specifying that a spendthrift clause or a provision in the first trust prohibiting amendment or revocation of the first trust cannot prevent the trustee from moving trust assets from the first trust to the second trust;

(g) Requiring the trustee of the first trust to notify the permissible distributees or the qualified beneficiaries of the second trust at least 60 days prior to making a discretionary distribution;

(h) Specifying that a trustee does not have a duty to move trust assets from a second trust;

(i) Specifying that a creditor of a person who creates a trust may not reach that person's interest in the trust regardless of whether the person retains the ability to dispose of his or her interest through a testamentary power of appointment;

(j) Prohibiting a creditor of certain beneficiaries of a trust from attaching trust property or beneficial interests, obtaining a court order forcing a judicial sale, compelling the exercise of the power, or reaching the trust property or beneficial interests by any other means to satisfy the beneficiary's debts; and

(k) Changing the number of days, from 60 to 120, in which a trustee must notify the qualified beneficiaries of the trust's existence; the identity of the settlor or settlors; the right to request a copy of the trust instrument; the right to a trustee's report; the acceptance of the trusteeship; and the trustee's name, address, and telephone number; and

(4) Changes the calculation of the unitrust amount under the provisions of the Uniform Principal and Income Act by requiring the unitrust amount of a trust determined for each accounting year to be a percentage between 3% and 5% of the average net fair market value of the trust and specifies certain income sources from which the unitrust amount must be paid. If a trust contains an election to qualify for a federal marital deduction, upon the request of a surviving spouse, the trustee must demand that the person administering the plan distribute the plan income to the trust, allocate a payment from the plan to income, and distribute that amount to the surviving spouse.

#### GUARDIANSHIP OF AN INCAPACITATED PERSON (Sections 475.060 and 475.061)

The bill changes the specified information that must be stated in a petition for a person to appoint himself or herself or another qualified person as the guardian of an incapacitated person.

#### TRANSFER REQUESTS OF COURT CASES BY PUBLIC ADMINISTRATORS (Section 475.115)

The bill allows a public administrator to request the transfer of any case to the jurisdiction of another county by filing a petition for transfer and requires the court to transfer the case if the requirements for venue are met and the administrator of the receiving county consents to the transfer. The receiving county court must appoint, without the necessity of a hearing, its public administrator as successor

guardian and/or successor conservator and issue the appropriate letters. In the case of a conservatorship, the final settlement of the public administrator's conservatorship must be filed in the original county within 30 days of the transfer and forwarded to the receiving county upon audit and approval.

#### UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT (Sections 475.501 - 475.555)

Missouri is authorized to enter into the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act which:

(1) Allows a court to treat a foreign country as if it were a state for the purpose of applying certain provisions of the act;

(2) Allows a court to communicate with an out-of-state court concerning a guardianship or protective proceeding;

(3) Allows a court to request an out-of-state court to:

(a) Hold an evidentiary hearing;

(b) Order an individual to produce evidence or give testimony;

(c) Order that an evaluation or assessment be made of a respondent;

(d) Order any appropriate investigation of an individual involved in a guardianship or protective proceeding;

(e) Forward to the court of this state a certified copy of the transcript or other record of an evidentiary hearing or any other proceeding, any evidence otherwise produced, and any evaluation or assessment prepared in compliance with a court order;

(f) Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated or protected person; and

(g) Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including specified protected health information;

(4) Allows testimony taken in another state from a witness who is located in another state to be offered by deposition or other means allowable in this state;

(5) Permits a court to allow a witness located in another state to be deposed or to testify by telephone, audiovisual, or other electronic means;

(6) Specifies when a court of this state has jurisdiction to appoint a guardian or to issue a protective order for a respondent;

(7) Specifies that when a court of this state is otherwise lacking jurisdiction it has special jurisdiction for specified guardianship actions;

(8) Specifies that a court which has appointed a guardian or issued a protective order has exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own term;

(9) Allows a court to decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum;

(10) Allows a guardian or conservator to petition the court to transfer the guardianship or conservatorship to another state;

(11) Specifies that if a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this state, the guardian may register, after giving notice to the appointing court of an intent to register, the guardianship order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office;

(12) Specifies that if a conservator has been appointed in another state and a petition for a protective order is not pending in this state, the conservator may register, after giving notice to the appointing court of an intent to register, the protective order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office and of any bond; and

(13) Specifies that upon registration of a guardianship or protective order from another state, the guardian or conservator may exercise in this state all powers authorized in the order of appointment except those powers prohibited under the laws of this state.

#### SMALL CLAIMS COURT ACTIONS

(Sections 482.305 and 482.315)

The amount in controversy is increased from less than \$3,000 to less than \$5,000 for a case where the judge of a small claims court will have original jurisdiction.

#### QUALIFIED SPOUSAL TRUSTS (Section 1)

The bill establishes provisions regarding a qualified spousal trust by:

(1) Specifying that a “qualified spousal trust” is a trust where the settlors of which are husband and wife at the time of the creation of the trust and the terms of the trust provide that during the joint lives of the settlors all property or interests in property are:

(a) Held for the benefit of both settlors and revocable by either or both settlors and having the right to receive income distributions from the entire trust for each individual settlor’s life; or

(b) Held in two separate shares of one trust for the benefit of each settlor and revocable by each settlor with respect to each settlor’s separate share without

consent of the other settlor and each having the right to receive income distributions from the settlor’s separate share for the individual settlor’s life;

(2) Specifying that property or interests in property transferred to a qualified spousal trust will have the same immunity from individual creditors as would have existed if the settlors continued to hold the property as husband and wife as tenants by the entirety as long as both settlors are alive and remain married and the property, proceeds, or income continues to be held in trust by the trustee of the qualified spousal trust;

(3) Specifying that the right of a claimant to any interest in the property placed in a qualified spousal trust that was not held as tenants by the entirety will not be affected by these provisions;

(4) Specifying that upon the death of each settlor, the current terms of the governing instrument of the trust will control the distribution of trust property or interests;

(5) Specifying that a transfer of spousal property by a husband and wife as settlors to a qualified spousal trust will not affect or change either settlor’s marital property rights to the transferred property or interest immediately prior to the transfer in the event of a dissolution of marriage of the spouses unless both spouses agree in writing; and

(6) Specifying that these provisions will apply to all trusts that fulfill the requirements of these provisions regardless of whether the trust was created before or after August 28, 2011.

#### HCS SS#2 SCS SB 62 — HEALTH CARE PROVIDERS

This bill changes the laws regarding health care providers.

#### FEDERAL REIMBURSEMENT ALLOWANCES

(Sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo)

The bill extends the expiration date of the provisions regarding various federal reimbursement allowances from September 30, 2011, to September 30, 2015, including:

(1) The ground ambulance service reimbursement allowance in Sections 190.800 - 190.839;

(2) The nursing facility reimbursement allowance in Sections 198.401 - 198.436;

(3) The Missouri Medicaid Program’s managed care organization reimbursement allowance in Sections 208.431 - 208.437;

(4) The hospital reimbursement allowance in Sections 208.453 - 208.480;

(5) The pharmacy tax reimbursement allowance in Sections 338.500 - 338.550; and

(6) The assessment on intermediate care facilities for the mentally retarded in Section 633.401.

#### MEDICAL RECORDS FEES (Section 191.227)

Currently, a health care provider can charge a patient a fee of up to \$17.05 for copying his or her medical records plus 40 cents per page for supplies and labor. The bill increases the fee to up to \$21.36 plus 50 cents per page for supplies and labor adjusted annually for inflation. A health care provider will also be allowed to include in that fee a retrieval or handling fee, not to exceed \$20, charged by an outsourced records storage service with which the provider has contracted for off-site records storage and management. If a health care provider stores records in an electronic or digital format and provides records and affidavits, if requested, in an electronic or digital format, the maximum copying amount cannot exceed \$5 plus 50 cents per page or \$25 total, whichever is less.

#### HEALTH CARE TRANSPARENCY AND HEALTH INSURANCE MANDATES (Section 376.1190)

Beginning January 1, 2014, health insurance carriers must allow a policyholder, upon request, to obtain specific cost-sharing information for a health service or item within the policyholder's health benefit plan including the deductible, copayment, and co-insurance. Certain supplemental insurance policies are exempt from this provision.

Any health care benefit mandate proposed by the General Assembly after August 28, 2011, will be subject to an actuarial review by the Oversight Division of the Joint Committee on Legislative Research to determine the cost impact on private and public payers. The division must make a recommendation to the Speaker of the House of Representatives and the President Pro Tem of the Senate prior to the enactment of the mandate.

The provisions of the bill are nonseverable; and if any provision is found to be invalid for any reason, the remaining provisions will be invalid.

#### SS SCS SB 65 — LATE-TERM ABORTIONS

This bill revises the definition of "abortion" to mean the act of using or prescribing an instrument, device, medicine, drug, or any other means or substance with the intent to destroy the life of an embryo or fetus in the mother's womb. Except in the case of a medical emergency, no abortion of a viable, unborn child can be performed or induced unless the abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, illness, or injury or when the continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. "Viable" means the

stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems.

Except in the case of a medical emergency, a physician must, prior to performing or inducing an abortion, determine the gestational age of the unborn child in a manner consistent with accepted obstetrical and neonatal practices and standards. If a physician determines that the gestational age of the unborn child is 20 weeks or more, he or she must, prior to performing or inducing an abortion, determine if the unborn child is viable by medically determining the gestational age, weight, and lung maturity of the unborn child and enter that information in the woman's medical record. If a physician determines the gestational age of the unborn child is 20 weeks or more and the unborn child is not viable and an abortion is performed or induced, the physician must report these findings and determinations and the reasons for the determinations to the health care facility in which the abortion is performed and to the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration. The physician must also enter the determinations in the woman's medical records and in the individual abortion report submitted to the Department of Health and Senior Services.

If a physician determines that the unborn child is viable, the physician cannot perform or induce an abortion except in the case of a medical emergency. A physician must certify in writing the medical threat posed to the life of the pregnant woman or the medical reasons that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman before the physician can proceed with performing or inducing an abortion on a woman when it has been determined that the unborn child is viable. Before a physician may perform or induce an abortion on a woman carrying an unborn child that has been determined to be viable, he or she must:

(1) Obtain the agreement of a second physician who has knowledge of accepted obstetrical and neonatal practices and standards and concurs that the abortion is necessary to preserve the life of the pregnant woman or that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. The second physician must also report the reasons and determinations to the health care facility and the board and enter that information in the woman's medical record and the individual report to the Department of Health and Senior Services. The second physician cannot have any legal or financial affiliation or relationship with the physician performing or inducing the abortion;



however, this will not apply to a physician whose affiliation or relationship is the result of being employed by or having staff privileges at the same hospital;

(2) Use the available method or technique of abortion that is most likely to preserve the life or health of the unborn child;

(3) Certify in writing the available methods considered and the reasons for choosing the method used; and

(4) Have in attendance at the abortion a second physician who is responsible for taking control of and providing immediate medical care for a child born as a result of the abortion.

Any person who knowingly performs or induces an abortion of an unborn child in violation of these provisions will be guilty of a class C felony and subject to imprisonment for not less than one year and a fine of between \$10,000 and \$50,000. Any physician licensed in this state who pleads guilty to or is found guilty of performing or inducing an abortion of an unborn child in violation of these provisions can have his or her license suspended or revoked by the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration. Any licensed hospital or ambulatory surgical center that knowingly allows an abortion to be performed or induced in violation of these provisions can be subject to the suspension or revocation of its license.

The provisions of the bill are intended by the state legislature to be severable in regards to validity for purposes of upholding the state and federal constitutions. The General Assembly may appoint, by concurrent resolution, one or more sponsoring members of the bill to intervene if the provisions of the bill are constitutionally challenged.

#### **SCS SB 68 — POWERS OF THE GENERAL ASSEMBLY**

This bill authorizes the issuance of a subpoena for the production of records at the request of any member of the Senate or House of Representatives, the party accused, or any member of a committee. Currently, these individuals can only make a request to subpoena a witness.

#### **CCS SS SCS SB 70 — MISSOURI FAMILY TRUST**

This bill changes the laws regarding the Missouri Family Trust. In its main provisions, the bill:

(1) Revises the provisions regarding the purpose and function of the trust which administers special needs trusts for individuals with disabilities without affecting an individual's eligibility for various public assistance programs;

(2) Separates the various types of accounts under the trust into trust accounts, restricted trust accounts, and the charitable trust to be maintained in trust as separate accounts. The accounts can be pooled for investment and management purposes;

(3) Requires the board of trustees of the Missouri Family Trust to act as the trustee of the trust;

(4) Allows a beneficiary with disabilities; his or her parent, grandparent, or legal guardian; or a court as settlor to contribute assets of the beneficiary in trust to the board as trustee for the benefit of the beneficiary as part of a pooled trust. The account must be referred to as a "first-party trust account" and held and administered in trust for the benefit of the beneficiary. Upon the death of the beneficiary, the board must notify each state of which the board has knowledge that has provided federal Medicaid services to the individual that the trust has terminated. The bill specifies the procedure for the distribution of the assets, including to any state with a claim;

(5) Allows any person as settlor, except a beneficiary or a beneficiary's spouse, to contribute assets, not including assets of the beneficiary or the beneficiary's spouse, in trust to the board as trustee for the benefit of the beneficiary. A trust account to which assets are contributed that does not include assets of a beneficiary or the beneficiary's spouse must be referred to as a "third-party trust account" and held and administered in trust for the benefit of the beneficiary. Upon the death of the beneficiary, the board must promptly determine the principal balance of the account and, after paying any expenses of the beneficiary and the authorized fees and expenses of the board, distribute it to the persons, entities, or organizations designated by the settlor as remainder beneficiaries;

(6) Allows the settlor or co-trustee of a revocable third-party trust account, if authorized by the settlor in the trust documents and upon written notice to the board and with the board's consent, to withdraw from time to time part of the trust account if the amount when aggregated with all withdrawals within the preceding 12 months does not reduce the remaining balance of the account below certain specified levels;

(7) Allows the settlor or co-trustee of a revocable third-party trust account, if authorized by the settlor in the trust documents and upon written notice to the board and with the board's consent, to revoke and terminate the trust account;

(8) Specifies certain guidelines by which a first-party trust account and a third-party trust account must be held and administered;

(9) Requires the board to establish a charitable trust for the benefit of individuals with disabilities;

(10) Allows the board to establish and collect fees for administering trust accounts;

(11) Requires the board to establish policies and procedures for providing periodic reports to the co-trustees of each trust account;

(12) Allows a distribution to be made to the trustees of a trust account if a court finds that the distributee qualifies as a life beneficiary and it would be in the best interest of the distributee; and

(13) Repeals the provisions establishing the Missouri Family Trust Board of Trustees and re-enacts revised provisions specifying that it is to be incorporated as a Missouri general not-for-profit corporation, authorizes the board to apply and qualify for a federal 501(c)(3) exemption organization, and changes the membership of the board.

### **HCS SB 77 — OUTDOOR ADVERTISING AND MEMORIAL HIGHWAY DESIGNATIONS**

This bill changes the laws regarding outdoor advertising and designates several memorial highways.

#### **OUTDOOR ADVERTISING**

Currently, no outdoor advertising may be erected or maintained within 660 feet of certain federal highway right-of-ways with the exception of directional and other official signs, on-premise signs, outdoor advertising signs located in certain areas zoned commercial or industrial or in certain unzoned commercial or industrial areas, and certain outdoor advertising for tourist-oriented businesses or scoreboards and other electronic signs. The bill adds to the types of directional signs which may be erected and maintained to include signs pertaining to a cultural, including agricultural activities or attractions; scientific; educational; or religious site.

#### **MEMORIAL HIGHWAY DESIGNATIONS**

The bill designates the following highways:

(1) The portion of U. S. Highway 160 in Greene County from the intersection of West Mount Vernon Street to one-half mile south of the intersection of West Sunshine Street as the “Rabbi Ernest I. Jacob Memorial Highway” and repeals the provision designating U. S. Highway 160 in Greene County from the intersection of Farm Road 142 to the intersection of West Sunshine Street as the “Rabbi Abraham Joshua Heschel Memorial Highway”;

(2) The portion of Interstate 40/64 in St. Louis County from the Boone’s Crossing overpass at mile marker 17.0 west to the Spirit of St. Louis Airport overpass at mile marker 13.8 as the “Missouri State Highway Patrol Sergeant Joseph G. Schuengel Memorial Highway”;

(3) The portion of Interstate 70 from the eastern city limits of Independence west to the Kansas state line as the “Truman/Eisenhower Presidential Highway.” The designation is contingent upon the designation being made by the State of Kansas of the portion of Interstate 70 in Kansas from the Missouri state line west to Abilene, Kansas, as the “Eisenhower/Truman Presidential Highway”;

(4) The portion of State Highway 25 from U. S. Highway 412 to State Route U/State Route Z in the counties of Dunklin and Stoddard as the “Representative Otto Bean Memorial Highway”; and

(5) The portion of State Highway 30 from State Route NN north three miles to 1/10 of a mile southwest of old State Highway 30 in Jefferson County as the “SFC Wm. Brian Woods, Jr. Memorial Highway.”

### **CCS SCS SB 81 — EDUCATION**

This bill changes the laws regarding the nonresident entertainer and professional athletic team member income tax, fine arts education, and school funding.

#### **NONRESIDENT ENTERTAINER AND PROFESSIONAL ATHLETIC TEAM MEMBER INCOME TAX**

The bill specifies that the nonresident entertainer and professional athletic team member income tax will not apply to any person making an educational presentation at a conference or other similar program that provides professional or technical education.

#### **FINE ARTS EDUCATION**

Beginning in Fiscal Year 2013, the Office of Quality Schools within the Department of Elementary and Secondary Education may ensure that each regional professional development center provides professional development educational assistance for fine arts. The emphasis for assistance may include acting as a resource for school districts; working with districts in staff development and curriculum issues related to fine arts education and integration; collaborating with regional office of professional development personnel and other regional personnel; coordinating services available from other entities involved in fine arts education and integration; assisting and supporting districts in providing fine arts education and the integration of the arts; and contributing to the development and implementation of in-service training that responds to the needs of arts specialists and other educators regarding the needs of Missouri students in fine arts and the integration of the arts.

#### **SCHOOL FUNDING**

Currently, a school district may transfer unrestricted funds from its capital projects fund to its incidental

fund when the fiscal year end balance in the combined incidental and teachers' funds would be less than 10% without the transfer. The bill specifies that if the sum of the combined balances in a school's incidental fund and teachers' fund at the fiscal year end is less than 20% of the sum of the district's expenses from those funds for the fiscal year just ended, the district may transfer to its incidental fund an amount up to and including the amount of the unrestricted balance in its capital projects fund on June 30. Any funds originating from a general obligation bond must be considered restricted funds and cannot be transferred to the school's incidental fund.

A provision is repealed regarding an increase in state funding if summer school attendance decreases by 25% as compared to the daily attendance at summer school in the 2005-2006 school year.

The bill contains an emergency clause for the provisions regarding school funding.

### **SB 83 — SALE OF DEFICIENCY WAIVER ADDENDUMS**

This bill authorizes the sale of a deficiency waiver addendum, a guaranteed asset protection, or a similar product as part of certain consumer loans, second mortgage loans, or retail credit sales if the product is purchased as part of a loan transaction with collateral. The borrower must consent to the purchase in writing and acknowledge receipt of the required disclosures. The cost of the product must be reasonable and disclosed in the loan contract. Each deficiency waiver addendum, guaranteed asset protection, or other similar product must provide that in the event of the termination of the product prior to the scheduled maturity date of the indebtedness, any refund must be paid or credited promptly to the debtor, except that a refund of less than \$1 does not need to be made. The pro rata method must be used in computing the refund.

A debtor may cancel a product within 15 days of its purchase and receive a complete refund or credit of the premium. This information must be specified in the loan contract or in a separate written disclosure at the time the debt is incurred in 10-point type and in a manner reasonably calculated to inform the debtor of this right.

### **HCS#2 SB 96 — CONVEYANCES OF STATE PROPERTY**

This bill authorizes the Board of Regents of Southeast Missouri State University to convey certain university property located in the City of Cape

Girardeau to the Cape Area Habitat for Humanity.

The bill also authorizes the Governor to convey:

(1) State property located in the City of Farmington in St. Francois County to St. Francois County;

(2) State property located in the City of Farmington in St. Francois County to Habitat for Humanity of St. Francois County, Inc.;

(3) State property located at the Algoa Correctional Center in Jefferson City in Cole County;

(4) State property located at the Boonville Correctional Center in the City of Boonville in Cooper County;

(5) State property located at the Western Reception and Diagnostic Correctional Center in the City of St. Joseph in Buchanan County;

(6) State property located at the Central Missouri Correctional Center in Jefferson City in Cole County;

(7) State property located at the Farmington Correctional Center in the City of Farmington in St. Francois County;

(8) State property located in the City of Farmington in St. Francois County;

(9) State property located at the Fulton Reception and Diagnostic Correctional Center in the City of Fulton in Callaway County;

(10) State property located at the Maryville Treatment Center in the City of Maryville in Nodaway County;

(11) State property located at the Eastern Reception Diagnostic Correctional Center in the City of Bonne Terre in St. Francois County;

(12) State property located at the Missouri Eastern Correctional Center in the City of Pacific in St. Louis County;

(13) State property located at the South Central Correctional Center in the City of Licking in Texas County;

(14) State property located at the Potosi Correctional Center in the City of Potosi in Washington County;

(15) State property located at the Chillicothe Correctional Center in the City of Chillicothe in Livingston County;

(16) State property located at the Tipton Correctional Center in the City of Tipton in Moniteau County;

(17) State property located at the Women's Eastern Reception and Diagnostic Correctional Center in the City of Vandalia in Audrain County;

(18) State property located at the Moberly Correctional Center in the City of Moberly in Randolph County;

(19) State property located at the St. Francois County Correctional Facility in the City of Farmington in St. Francois County to St. Francois County;

(20) A permanent sidewalk easement over, on, and under state property located at the Adrians Island in Cole County to the City of Jefferson;

(21) A permanent levee easement over, on, and under state property located at the Church Farm in Cole County to the Cole Junction Levee District;

(22) A permanent pipeline easement over, on, and under state property located at the Moberly Correctional Center in Randolph County to the Panhandle Eastern Pipeline Company, LP;

(23) State property located at the South East Missouri Mental Health Center in the City of Farmington in St. Francois County to the Highways and Transportation Commission within the Department of Transportation;

(24) State property located at the South East Missouri Mental Health Center in the City of Farmington in St. Francois County which was previously authorized by House Bill 2285 in 2010 but contained an error in the legal description;

(25) State property located at the National Guard site in the City of Centertown in Cole County; and

(26) A permanent drainage easement over, on, and under state property at the Department of Mental Health Regional Office and the Department of Elementary and Secondary Education State School for the Severely Disabled in the City of Joplin in Jasper County.

The bill contains an emergency clause.

## **HCS#2 SB 97 — CONVEYANCES OF STATE PROPERTY**

This bill authorizes the Governor to convey:

(1) State property located in the City of Farmington in St. Francois County to the City of Farmington;

(2) State property located at the South East Missouri Mental Health Center in the City of Farmington in St. Francois County to the Highways and Transportation Commission within the Department of Transportation; and

(3) State property located in Callaway County to the City of Fulton.

The bill also authorizes the Board of Regents of Southeast Missouri State University to convey certain university property located in the City of Cape Girardeau to the Cape Area Habitat for Humanity.

## **SB 101 — RESIDENTIAL CONTRACTORS**

This bill prohibits a residential contractor from advertising or promising to pay or rebate all or any portion of an insurance deductible as an inducement

to the sale of goods or services including any allowance or discount against fees to be charged or the payment of any form of compensation or other item of monetary value to the insured or any person directly or indirectly associated with the property.

An insured individual under contract with a residential contractor for goods or services that are to be paid for under a property and casualty insurance policy can cancel the contract if the insurer has notified the individual in writing that all or part of the contract is not covered under the insurance policy. The individual must notify the contractor in writing to cancel the contract prior to midnight on the fifth business day after notification from the insurer. Before entering into a contract, the contractor must provide a statement to the insured individual with the required cancellation information.

Within 10 days of canceling a contract, a residential contractor must return any payments or deposits made by the insured individual and any note or other evidence of indebtedness. However, the contractor is entitled to the reasonable value of emergency services provided and acknowledged in writing by the insured individual to be necessary to prevent damage to his or her premises.

A residential contractor cannot represent or negotiate, or offer or advertise to represent or negotiate, on behalf of an individual on any insurance claim in connection with the repair or replacement of a roof system or the performance of any other exterior repair, replacement, construction, or reconstruction services.

Any violation of these provisions by a residential contractor must be considered an unlawful practice under the Merchandising Practices Act.

## **SCS SB 108 — INSTALLATION OF FIRE SPRINKLERS IN CERTAIN DWELLINGS**

This bill specifies that a builder of a one- or two-family dwelling or a townhouse must offer to any purchaser the option to install or equip fire sprinklers in the building at the purchaser's cost. Currently, a builder of a single-family dwelling or residence or a multi-unit dwelling of four or fewer units must offer to install or equip fire sprinklers in the dwelling.

Any political subdivision that adopts the 2009 International Residential Code for One- and Two-Family Dwellings or a subsequent edition of the code without mandated automatic fire sprinkler systems will retain the language in Section R317 of the 2006 International Residential Code for two-family dwellings and townhouses which requires a certain wall thickness to prevent the spread of a fire in a two-family dwelling or townhouse.



The bill also extends the December 31, 2011 expiration date of these provisions to December 31, 2019, and repeals a conflicting provision created by the passage of House Bill 103 and Senate Bill 513 in 2009 regarding the installation of fire sprinkler systems.

**SS SCS SB 113 & 95 — DOG BREEDERS**  
*(Repealed in HCS SB 161)*

This bill changes the laws regarding the Animal Care Facilities Act and the Puppy Mill Cruelty Prevention Act. In its main provisions, the bill:

(1) Increases the maximum annual license fee under the Animal Care Facilities Act from \$500 to \$2,500 and requires each licensee to pay an additional \$25 fee each year to be used by the Department of Agriculture for administering Operation Bark Alert or any successor program;

(2) Renames the Puppy Mill Cruelty Prevention Act to the Canine Cruelty Prevention Act and changes the provisions of the act by:

(a) Removing the provision prohibiting a person from owning more than 50 dogs for the purpose of breeding them and selling any offspring as a pet;

(b) Revising the term “adequate rest between breeding cycles” to mean, at a minimum, ensuring that a female dog is not bred to produce more litters in any given time period than what is recommended by a licensed veterinarian as appropriate for the species, age, and health of the dog;

(c) Changing the term “necessary veterinary care” to mean at least two personal, visual inspections annually by a licensed veterinarian; guidance from a licensed veterinarian on preventative care; an exercise plan approved by a licensed veterinarian; normal and prudent attention to skin, coat, and nails; prompt treatment of any illness or injury; and humane euthanasia by a licensed veterinarian when needed. If, during the course of the inspection, the veterinarian detects signs of disease or injury, a physical examination of any afflicted dog must be conducted by a licensed veterinarian;

(d) Revising the term “pet” from meaning any domesticated animal to meaning only dogs;

(e) Changing the term “regular exercise” to mean the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with department regulations, and where the plan gives the dog maximum opportunity for outdoor exercise as weather permits;

(f) Revising the term “sufficient food and clean water” to require a breeder to provide each animal with a quantity of wholesome food suitable for the species and age to maintain a reasonable level of nutrition at suitable intervals of no more than 12

hours, unless the dietary requirements of the breed require a longer interval. The breeder must also supply water continuously or at an interval suitable to the breed with no interval to exceed eight hours. The food and water must be served in safe receptacles, dishes, or containers;

(g) Changing the term “sufficient housing, including protection from the elements” to mean the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a recumbent position, protection from extreme weather conditions, proper ventilation, and appropriate space depending on the species of animal as required by department regulations. No dog is to remain inside its enclosure while the enclosure is being cleaned. Dogs housed within the same enclosure must be compatible in accordance with department regulations;

(h) Changing the term “sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs” to mean appropriate space depending on the species as specified in department regulations;

(i) Removing the provisions regarding the crime of puppy mill cruelty;

(j) Requiring any person subject to the provisions of the act to maintain all veterinary and sales records for the most recent previous two years. The records must be made available to the State Veterinarian, a state or local animal welfare official, or a law enforcement agent upon request;

(k) Removing the provision which exempts certain retail pet stores, animal shelters, hobby or show breeders, and dog trainers from the provisions of the act; and

(l) Specifying that nothing in the act can be construed to limit hunting or the ability to breed, raise, sell, control, train, or possess dogs with the intention to use the dogs for hunting or other sporting purposes;

(3) Specifies that when the State Veterinarian or a state animal welfare official finds that past violations of the Animal Care Facilities Act have occurred and have not been corrected or addressed, the department director may request the Attorney General or the county prosecuting attorney or circuit attorney to bring an action for a temporary restraining order, preliminary or permanent injunction, or a remedial order to correct the violation and allows the court to assess a civil penalty of up to \$1,000 for each violation;

(4) Specifies that a person commits the crime of canine cruelty, a class C misdemeanor, if he or she repeatedly violates the Animal Care Facilities Act so as to pose a substantial risk to the health and welfare of the animals in his or her custody or if he or she knowingly violates an agreed-to remedial order involving the safety and welfare of animals under

these provisions. If the person has previously pled guilty to, nolo contendere to, or been found guilty of a violation of this crime, he or she will be guilty of a class A misdemeanor for each violation. The Attorney General or the county prosecuting attorney or circuit attorney may bring an action in the circuit court in the county where the crime occurred for criminal punishment; and

(5) Specifies that any breeder licensed under the Animal Care Facilities Act who houses animals in stacked cages without an impervious barrier between the levels of the cages, except when cleaning the cages, will be guilty of a class A misdemeanor.

### **CCS HCS#2 SCS SB 117 — TAXES IMPOSED BY POLITICAL SUBDIVISIONS**

This bill changes the laws regarding taxes imposed by political subdivisions. In its main provisions, the bill:

(1) Adds the construction and operation of job training and educational facilities to the list of allowed projects that can be funded with the revenue generated by a local retail sales tax for economic development purposes under Section 67.1303, RSMo (Section 67.1303);

(2) Authorizes the Boone County Collector, upon certification by the community improvement district, to add the district's special assessment to the annual real estate tax bill for the property and to collect the assessment in the same manner as the collection of real estate taxes (Section 67.1521);

(3) Authorizes the City of Excelsior Springs to impose, upon voter approval, a retail sales tax of up to 1% for the purpose of funding the construction, maintenance, operation, and equipping of a community center and for retiring any bonds issued for that purpose (Section 94.585);

(4) Authorizes the City of St. Joseph to impose, upon voter approval, a retail sales tax of up to 0.5% for improving public safety including salaries and benefits and additional equipment and facilities for police, fire, and emergency medical providers (Section 94.900);

(5) Specifies that in all cases where land has been or may be sold for delinquent taxes and a certificate of purchase has been or may be issued, it is the duty of the purchaser, his or her heirs, or assigns to cause all subsequent taxes to be paid on the property purchased prior to the issuance of a collector's deed. Upon the purchaser's forfeiture of all rights of the property acquired by the certificate of purchase issued and including the nonpayment of all subsequent years' taxes, it is the responsibility of the collector to record the cancellation of the certificate of purchase in the office of the county recorder of deeds (Section 140.410);

(6) Repeals a provision authorizing the State Tax Commission, with the advice of the Attorney General, to decide questions regarding delinquent taxes with reference to the powers and duties of county or township tax officers (Section 140.660);

(7) Authorizes the governing body of a hospital district in the counties of Iron or Madison to impose, upon voter approval, a local sales tax of up to 1% in lieu of a property tax to fund the hospital district (Sections 144.032 and 205.205); and

(8) Authorizes the City of Columbia to impose, upon voter approval, a retail sales tax of up to 1% for the purpose of capital improvements for public safety, including expenditures for new construction and equipment, repair and maintenance of buildings and equipment, and for financing the capital improvements (Section 1).

The bill contains an emergency clause regarding the hospital district sales tax.

### **HCS SS SB 118 — SPRINKLER SYSTEM REQUIREMENTS FOR LONG-TERM CARE FACILITIES**

*(Vetoed by the Governor)*

Currently, certain long-term care facilities are required to install and maintain an approved sprinkler system by December 31, 2012. This bill extends the required implementation date to December 31, 2014.

A facility applying for a loan from the State Treasurer in order to comply with the sprinkler facility requirements will have its loan repayment terms set in accordance with the facility's average total Medicaid reimbursement rate for Fiscal Year 2012. Currently, the repayment terms are based on the reimbursement rate at the time the loan is received.

### **HCS SS SCS SB 132 — CERTAIN SPECIALTY LINES INSURANCE**

This bill changes the laws regarding certain specialty lines insurance.

#### **INSURANCE CLAIMS HANDLING OPERATIONS (Section 44.114, RSMo)**

At the time of any emergency, catastrophe, or other life or property threatening event which jeopardizes the ability of an insurer to address the financial needs of its insureds or the public, no political subdivision can impose restrictions or enforce local licensing or registration ordinances with respect to an insurer's claims handling operations. However, nothing can prohibit the political subdivision from performing any safety inspection as authorized by local ordinance of the premises of the insurer's base of operations within the disaster area.

#### INSURANCE COMPANY RETALIATORY TAXES (Section 375.916)

The bill changes the laws regarding retaliatory taxes on Missouri insurance companies or carriers. An insurance company claiming a state premium tax credit or deduction cannot be required to pay any additional retaliatory tax levied pursuant to Section 375.916 as a result of claiming the credit or deduction. Effective January 1, 2012, operating assessments based upon workers' compensation paid losses that are imposed on an insurance company by the laws of its state or foreign country of domicile cannot be considered any premium or income or other taxes or any fees, fines, penalties, licenses, or deposit requirements or other obligations, prohibitions, or restrictions if, with respect to the tax year in question, the insurance company has its principal place of business within Missouri and receives more than \$3 million of direct insurance premiums on business done in this state.

#### INSURANCE COVERAGE FOR PORTABLE ELECTRONIC DEVICES (Sections 379.1500 - 379.1550)

Beginning January 1, 2012, a portable electronics transaction vendor must obtain a license from the Department of Insurance, Financial Institutions and Professional Registration in order for an employee or authorized representative to sell or offer portable electronics insurance at each location where the vendor engages in a portable electronics transaction. The initial cost of a license cannot exceed \$1,000, and the annual renewal fee cannot exceed \$500. The fees will be deposited into the Insurance Dedicated Fund.

A vendor is required to have available at each location specific brochures and actual policies or certificates of coverage available to prospective customers which disclose information about portable electronics insurance benefits, duplication of coverage, material terms of the coverage, process for filing a claim, and option to cancel a policy at any time and receive a prorated refund. Portable electronics insurance will be deemed the primary coverage over any other collateral coverage.

Eligibility and underwriting standards for a customer electing to enroll in coverage must be established for each portable electronics insurance program. Each insurer must maintain all eligibility and underwriting records for five years and appoint a business entity to supervise administration of the program. The supervising entity will be responsible for the development of a training program for the employees and authorized representatives of the vendor. Insurers and applicable supervising business entities offering portable electronics insurance must share

all complaint, grievance, and inquiries regarding any conduct that is specific to a vendor and that may not comply with applicable state laws and regulations. A supervising business entity must maintain a registry of authorized vendor locations; and upon request of the department director and within 10 days' notice to the supervising entity, the registry must be open to inspection and examination. Within 30 days of a supervising business entity terminating a vendor location's appointment to sell or solicit the insurance, the entity must update at no charge the registry with the effective date of termination.

A vendor can bill and collect any charge that is not included with the purchase or lease of portable electronics or related services if the fee is listed separately on the customer's bill. A vendor must clearly and conspicuously disclose to the customer if the cost of the portable electronics insurance is included in the purchase price of the electronic device or related services.

A licensed vendor will be subject to specified provisions of law under the Insurance Producers Act and to investigation and examination by the department. The department director can suspend, revoke, refuse to issue, or refuse to renew a license of an insurer or a vendor for specified reasons and can impose other penalties, issue an administrative order, or maintain a civil action against the vendor.

An insurer may terminate or change the terms and conditions of a policy if he or she gives at least 30 days' notice to the policyholder and enrolled customers. An insurer can terminate a policyholder's coverage upon 15 days' notice for the discovery of fraud or nonpayment, for inactivity of service with the vendor, or if he or she exceeds coverage limits.

#### REGULATION OF SURPLUS LINES INSURANCE (Sections 384.015, 384.017, 384.021, 384.043, 384.051, 384.057, and 384.061)

The bill changes the laws regarding the regulation of surplus lines insurance to comply with the federal Nonadmitted and Reinsurance Reform Act of 2010 (NRRA) to bring about uniformity in the licensing of surplus lines insurance professionals, the standards under which surplus lines insurance may be sold, and the taxes that can be collected from the sale of surplus lines insurance. The bill:

(1) Specifies that surplus lines insurance may be placed by a surplus lines licensee if the insurer is authorized to write that type of insurance in its domiciliary jurisdiction;

(2) Changes the requirements and qualifications for a nonadmitted insurer to furnish coverage. A surplus lines licensee must not place coverage with a nonadmitted insurer unless, at the time of placement, the licensee determines that the nonadmitted insurer:



(a) Meets the capital and surplus requirements of Missouri or \$15 million. The Director of the Department of Insurance, Financial Institutions and Professional Registration may waive the financial requirements if the nonadmitted insurer's capital and surplus is at least \$4.5 million and upon an affirmative finding of acceptability based on specified factors by the department director; and

(b) Appears on the most recent list of eligible surplus lines insurers published by the department director or on the most recent quarterly listing of alien insurers maintained by the International Insurers Department of the National Association of Insurance Commissioners (NAIC);

(3) Specifies that a surplus lines licensee seeking to procure or place nonadmitted insurance in Missouri for an exempt commercial purchaser cannot be required to satisfy any requirement to make a due diligence search to determine whether the full amount or type of insurance sought by the exempt commercial purchaser can be obtained from nonadmitted insurers if:

(a) The surplus lines licensee procuring or placing the surplus lines insurance has disclosed to the exempt commercial purchaser that the insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and

(b) The exempt commercial purchaser has subsequently requested in writing the surplus lines licensee to procure or place the insurance from a nonadmitted insurer;

(4) Changes the licensing requirements for an insurance producer in the surplus lines insurance market. Beginning on or before July 1, 2012, the department director must participate in the national insurance producer database of the NAIC or any other equivalent uniform national database for the licensure of surplus lines licensees and the renewal of these licenses. A person selling, soliciting, or negotiating nonadmitted insurance with respect to an insured must obtain or possess a current surplus lines insurance license issued by the department director only if this state is the insured's home state;

(5) Requires every insured or self-insurer whose home state is Missouri who procures or causes to be procured or continues or renews any surplus lines insurance, other than through a surplus lines broker, to file a report before March 2 with the department director containing the names and addresses of the insureds and insurers, the subject and description of the insurance, the amount of premium charged, and any pertinent information that may be requested by the department director. Currently, this is required of every insured or self-insurer in this state;

(6) Imposes a 5% tax on the gross amount of the premium for nonadmitted or surplus lines insurance policies for which the home state of the insured is Missouri. Currently, it is based on the net amount of the premium in respect to risks located in this state;

(7) Specifies that only the home state of the insured will have the authority to tax and regulate the placement of these policies regardless of where risks or portions of the risk are located; and

(8) Specifies that the placement of nonadmitted insurance must be subject to the statutory and regulatory requirements of Missouri law only if this state is the insured's home state. A surplus lines broker must be licensed as a surplus lines licensee under the provisions of Chapter 384 only if this state is the insured's home state.

#### MOTOR VEHICLE EXTENDED SERVICE CONTRACTS (Sections 385.200 - 385.211)

The bill:

(1) Specifies that it is unlawful for a motor vehicle extended service contract provider to fail to deliver a fully executed contract to the consumer within a commercially feasible time period, but no more than 45 days, from the date the consumer's initial payment is processed. It will also be unlawful for any provider, administrator, producer, or any other person selling a contract to fail to deliver, upon request, an unsigned copy of the contract to the consumer prior to the time the consumer's initial payment is processed. A seller may comply with this provision by directing the consumer to a web site containing an unsigned copy of the contract. Anyone violating these provisions will be guilty of a level two violation under Section 374.049;

(2) Specifies that the following are authorized to sell motor vehicle extended service contracts: any licensed motor vehicle dealer offering the contract in connection with the sale of a motor vehicle or vehicle maintenance or repair services; a manufacturer of motor vehicles; a federally insured depository institution; a lender licensed under Section 367.100 - 367.215; a provider along with its subsidiaries and affiliated entities registered with the Director of the Department of Insurance, Financial Institutions and Professional Registration who has demonstrated financial responsibility as required in Section 385.202; an authorized employee of any of the aforementioned entities; a business entity producer or individual producer licensed as an insurance producer for the limited line of motor vehicle extended service contracts; an authorized employee of certain administrators under contract to effect coverage, collect provider fees, and settle claims on behalf of a registered provider; and a vehicle owner transferring an existing contract to a subsequent owner of the

same vehicle. The bill specifies the application and testing requirements for a person to obtain a license to sell these contracts;

(3) Allows a purchaser of a motor vehicle extended service contract to return the contract for cancellation to the provider within 20 business days of the mailing date of the contract or the contract date if the contract is executed and delivered at the time of sale. Currently, a contract must be returned within 20 business days of the mailing or within 10 days of the date the contract is delivered;

(4) Specifies that if a contract is returned within the free-look period and no claim has been made, the provider must refund the full purchase price to the contract holder. If a claim has been made, the provider must refund the purchase price less any claims that have been paid. A contract must contain a statement which specifies that a contract holder may cancel a contract after the free-look period at any time; and the provider must refund 100% of the unearned pro rata provider fee, less any claims paid. A reasonable administrative fee can be charged in an amount of up to \$50. If the refund is not paid within 45 days, a 10% penalty of the outstanding amount per month must be added to the refund. Currently, the penalty can be added if the refund is not paid within 30 days. Anyone violating these provisions will be guilty of a level two or three violation under Section 374.049;

(5) Requires a business entity applying for a producer license to make application to the department director and pay an initial and renewal fee as determined by the department director which cannot exceed \$100. An application must include the name and address of the business entity, the type of ownership, and certain information as required by the department director. If the business is a partnership or unincorporated association, the application must contain the name and address of every person or corporation having a financial interest in or owning any part of the business entity. If the business is a corporation, the application must include the name and address of every officer and director. If the business is a limited liability company, the application must contain the name and address of every member and officer and a list of every person employed by the business entity to whom it pays any salary or commission for the sale, solicitation, negotiation, or procurement of any motor vehicle extended service contract;

(6) Requires an individual applying for a producer license to make application to the department director and pay an initial and renewal fee as determined by the department director which cannot exceed \$25. An applicant will not be required to take an examination;

(7) Specifies that it is unlawful and will be a level three violation under Section 374.049 for a provider, administrator, producer, or any other motor vehicle extended service contract seller or solicitor to use "warranty" in its materials and to represent in any manner a false, deceptive, or misleading statement with respect to:

(a) An affiliation with a motor vehicle manufacturer or dealer;

(b) Possession of information regarding a motor vehicle owner's current motor vehicle manufacturer's original equipment warranty;

(c) The expiration date of a motor vehicle owner's current motor vehicle manufacturer's original equipment warranty;

(d) A requirement that a motor vehicle owner register for a new contract with the provider in order to maintain coverage under the current contract or the manufacturer's original equipment warranty; or

(e) Any term or provision of a contract;

(8) Specifies that it is unlawful for any person, in connection with the offer, sale, solicitation, or negotiation of a motor vehicle extended service contract to:

(a) Employ any deception, device, scheme, or artifice to defraud;

(b) Make or use any misrepresentation, concealment, or suppression of any material fact;

(c) Engage in any pattern or practice of making any false statement of material fact; or

(d) Engage in any act, practice, or course of business which operates as a fraud or deceit upon any person;

(9) Specifies that any person who knowingly employs, uses, or engages in any conduct in violation of selling a motor vehicle extended service contract with the intent to defraud will be guilty of a felony and may be subject to imprisonment for up to 10 years as well as court-ordered restitution and a fine;

(10) Allows the department director to suspend, revoke, or refuse to issue or renew a registration or license to sell motor vehicle extended service contracts for specified causes. If a license is not renewed or is denied, an appeals process to the Administrative Hearing Commission is specified. The license of a producer may be suspended, revoked, or not renewed or an application can be refused if the department director finds that a violation by the producer was known or should have been known by his or her business entity and the violation was not reported to the department director and no corrective action was taken;

(11) Requires a licensed contract producer to notify the department director within 30 days of any address change, any license revocation or civil action



taken against the producer in another jurisdiction or by another state governmental agency, and the initial pretrial hearing date or arraignment for any felony proceeding initiated by any state or the federal government for any law violation; and

(12) Requires a provider to maintain a register of business entity motor vehicle extended service contract producers who are authorized to sell, offer, negotiate, or solicit the sale of these contracts in this state and to make the list available for inspection upon the request of the department director. Within 30 days of a provider authorizing a producer to sell, offer, negotiate, or solicit the sale of contracts, the provider must enter the name and license number of the producer in the company registry of producers. If a producer's appointment is terminated, the provider must update the registry with the effective termination date within 30 days. A provider must notify the department director in writing if he or she has possession of information relating to any cause for discipline.

The provisions of the bill regarding motor vehicle extended service contracts become effective January 1, 2012.

The bill contains an emergency clause for the provisions regarding the regulation of surplus lines insurance.

### **CCS HCS SS SB 135 — ENVIRONMENTAL PROTECTIONS**

This bill changes the laws regarding environmental protections.

#### **STATE PARKS EARNINGS FUND (Section 253.090, RSMo)**

Any moneys remaining in the State Parks Earnings Fund at the end of the biennium will not revert to the credit of the General Revenue Fund.

#### **LEAD-ACID BATTERY AND HAZARDOUS WASTE FEES (Sections 260.262, 260.380, and 260.475)**

The provisions regarding the 50-cent fee that is collected on the retail sale of a lead-acid battery as well as the fees for any hazardous waste generated are extended from June 30, 2011, and December 31, 2011, respectively to December 31, 2013.

#### **DISPOSAL OF USED TIRES (Section 260.269)**

The state or any political subdivision or agency of the state is allowed to transfer possession and ownership of used tires, scrap tires, or tire shred to any in-state private entity to be lawfully disposed of or recycled if the tires or shred are not burned as a fuel, except in a permitted facility, or disposed of in a landfill. The cost of transferring the tires or shred must be less than the cost the state, political

subdivision, or agency would have otherwise incurred had it disposed of the tires or shred. The private entity must pay for the transportation of the used tires it receives.

#### **DRY-CLEANING FACILITIES (Section 260.965)**

The expiration date on the provisions regarding dry-cleaning facilities, their operations, and payments to the Dry-cleaning Environmental Response Trust Fund is extended from August 28, 2012, to August 28, 2017.

#### **COOLERS ON RIVERS AND WATERWAYS (Section 306.109)**

Currently, a person is prohibited from possessing expanded polypropylene coolers on or within 50 feet of any river in this state except for certain specified rivers and areas. The bill repeals this provision.

#### **UNDERGROUND PETROLEUM STORAGE TANK OPERATOR TRAINING PROGRAM (Section 319.130)**

On or before April 1, 2012, the board of trustees of the Petroleum Storage Tank Insurance Fund must hold one or more public hearings to determine whether to establish and fund an underground storage tank operator training program. The bill specifies the criteria the board must consider when making its decision. If after conducting the hearings, a majority of the board votes to establish and fund a program, the program at a minimum must:

- (1) Meet federal requirements;
- (2) Be developed in collaboration with the departments of Natural Resources and Agriculture, the board's advisory committee, and affected members of the private sector;
- (3) Be offered at no cost to those required to participate;
- (4) Specify standards, reporting, and documentation requirements; and
- (5) Be established by rule.

The board can contract with one or more third parties to establish a program which can, at any time, be modified or eliminated by the board's adoption of a rule. Any records created or maintained by the board regarding the program must be public records under the Open Meetings and Records Law, commonly known as the Sunshine Law, and made readily available to the Department of Natural Resources.

#### **SURCHARGE ON PETROLEUM PRODUCTS (Section 319.132)**

The bill adds to the list of activities for which the board of trustees of the Petroleum Storage Tank Insurance Fund can administer the surcharge on petroleum products to include the inspection fees paid on any petroleum product which is shipped

outside Missouri for use, sale, or distribution and all applicable provisions in Chapter 142 governing the administration, collection, and enforcement of the state motor fuel tax.

#### **MOTOR FUEL MEASURING DEVICES** (Section 414.072 and Section 1)

The manufacturer's expiration date on motor fuel pump nozzles, hoses, and hose breakaway equipment must not be the sole factor in requiring their repair or replacement or in imposing a fine, penalty, or punishment by the state or any political subdivision. The manufacturer's expiration date on these items cannot impose any new or additional liability on the state, political subdivisions, motor fuel retailers, wholesalers, suppliers, and distributors as well as the retailers and wholesalers of the devices and equipment.

Any automatic volumetric correction device for measuring gasoline and certain specified motor fuel blends sold at retail fueling facilities is prohibited by state rule or the automatic adoption or incorporation of national standards or rules unless the device is first specifically authorized and required by state law.

Only the Department of Natural Resources is authorized to set stage 1 and 2 motor fuel vapor recovery fees, including permit and construction fees, which must be uniform across the state and which cannot be changed by a political subdivision or local enforcement agency.

#### **WATER WELL REGULATIONS (Section 640.116)**

Any water system that exclusively serves a charitable or benevolent organization will be exempt from all rules relating to well construction except those applying to a multifamily well unless the well or pump installation for the well is determined to present a threat to groundwater or public health. A water system cannot be exempt if it regularly serves an average of 100 or more people for at least 60 days of the year or if it serves a school or day care facility.

If a system has three or more violations of the total coliform maximum contaminant level in a 12-month period or one acute violation of the maximum contaminant level, the system's owner must provide an alternative source of water, eliminate the source of contamination, or provide treatment that reliably achieves at least 99.99% treatment of the viruses.

An exempt organization cannot be required to replace, change, upgrade, or alter an existing well constructed prior to August 28, 2011, unless the well is determined to present a threat to groundwater or public health or contains certain contaminant levels.

#### **ENVIRONMENTAL PERMITS (Section 640.905)**

All engineering plans, specifications, and designs prepared by a registered professional engineer that are submitted to the Department of Natural Resources as part of a permit application or modification must include a statement that the plans, specifications, and designs were prepared in accordance with all applicable requirements and must be sealed by the registered professional engineer. The department must use the complete sealed plans, specifications, and designs as submitted in addition to a permit application or other relevant information, documents, and materials in developing comments on the engineering submittals and in determining whether to issue or deny a permit. The review of documents, plans, specifications, and designs must be conducted by a registered professional engineer or an engineering intern on behalf of the department.

The department must designate a supervisory registered professional engineer for permitting purposes in environmental programs. Any applicant receiving written comments on an engineering submittal may request a determination from the department's supervisory engineer as to a final disposition of the department's comments. The supervisory engineer must inform the applicant of a preliminary decision within 15 days of the request and must make a final determination within 30 days.

These provisions cannot be construed to require plans or other submittals to the department that come under a general permit or an application for a site specific permit to be prepared by a registered professional engineer unless otherwise required by state or federal law.

The bill contains an emergency clause for the provisions regarding the State Parks Earnings Fund and the lead-acid battery and hazardous waste fees.

#### **HCS SB 161 — AGRICULTURE**

This bill repeals SS SCS SB 113 & 95 regarding dog breeders previously passed in 2011 and changes the laws regarding the Animal Care Facilities Act, animal cruelty prevention, and agribusiness loan guarantees.

#### **ANIMAL CARE FACILITIES ACT AND THE CANINE CRUELTY PREVENTION ACT (Sections 273.327, 273.345, and 273.347, RSMo, and Section 1)**

The bill:

(1) Increases the maximum annual license fee under the Animal Care Facilities Act from \$500 to \$2,500 and requires each licensee to pay an additional \$25 fee each year to be used by the Department of Agriculture for administering Operation Bark Alert or any successor program;

(2) Renames the Puppy Mill Cruelty Prevention Act to the Canine Cruelty Prevention Act and changes the provisions of the act by:

(a) Removing the provision prohibiting a person from owning more than 50 dogs for the purpose of breeding them and selling any offspring as a pet;

(b) Revising the term “adequate rest between breeding cycles” to mean, at a minimum, ensuring that a female dog is not bred to produce more litters in any given time period than what is recommended by a licensed veterinarian as appropriate for the species, age, and health of the dog;

(c) Changing the term “necessary veterinary care” to mean prompt treatment of any serious illness or injury by a licensed veterinarian and humane euthanasia by a licensed veterinarian when needed;

(d) Revising the term “pet” from meaning any domesticated animal to meaning only dogs;

(e) Changing the term “regular exercise” to mean the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with department regulations, and where the plan gives the dog maximum opportunity for outdoor exercise as weather permits;

(f) Revising the term “sufficient food and clean water” to mean access to nutritious food at least twice a day instead of once a day and water that is not frozen and is generally free of debris, feces, algae, and other contaminants;

(g) Changing the term “sufficient housing, including protection from the elements” to mean the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a recumbent position, protection from extreme weather conditions, proper ventilation, and appropriate space depending on the species of animal as required by department regulations and in compliance with the space requirements in the bill. No dog is to remain inside its enclosure while the enclosure is being cleaned. Dogs housed within the same enclosure must be compatible in accordance with department regulations;

(h) Revising the term “sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs” to mean sufficient indoor space or shelter from the elements for each dog to turn in a complete circle, to be able to lie down and fully extend his limbs and stretch freely without touching the side of an enclosure or another dog, and appropriate space depending on the species of the animal as required by department regulations and in compliance with the space requirements in the bill;

(i) Removing the provisions regarding the crime of puppy mill cruelty;

(j) Requiring any person subject to the provisions of the act to maintain all veterinary and sales records for the most recent previous two years. The records must be made available to the State Veterinarian, a state or local animal welfare official, or a law enforcement agent upon request;

(k) Removing the provision which exempts certain retail pet stores, animal shelters, hobby or show breeders, and dog trainers from the provisions of the act;

(l) Specifying that nothing in the act can be construed to limit hunting or the ability to breed, raise, sell, control, train, or possess dogs with the intention to use the dogs for hunting or other sporting purposes; and

(m) Requiring a phase in of additional space requirements from January 1, 2012, through December 31, 2015, for any enclosure existing prior to April 15, 2011, and specifying that for any enclosure newly constructed after April 15, 2011, and for all enclosures as of January 1, 2016, wire strand flooring will be prohibited and all enclosures must meet the flooring standard established by department rule;

(3) Specifies that when the State Veterinarian or a state animal welfare official finds that past violations of the Animal Care Facilities Act have occurred and have not been corrected or addressed, the department director may request the Attorney General or the county prosecuting attorney or circuit attorney to bring an action for a temporary restraining order, preliminary or permanent injunction, or a remedial order to correct the violation and allows the court to assess a civil penalty of up to \$1,000 for each violation;

(4) Specifies that a person commits the crime of canine cruelty, a class C misdemeanor, if he or she repeatedly violates the Animal Care Facilities Act so as to pose a substantial risk to the health and welfare of the animals in his or her custody or if he or she knowingly violates an agreed-to remedial order involving the safety and welfare of animals under these provisions. If the person has previously pled guilty to, nolo contendere to, or been found guilty of a violation of this crime, he or she will be guilty of a class A misdemeanor for each violation. The Attorney General or the county prosecuting attorney or circuit attorney may bring an action in the circuit court in the county where the crime occurred for criminal punishment; and

(5) Specifies that any breeder licensed under the Animal Care Facilities Act who houses animals in stacked cages without an impervious barrier between the levels of the cages, except when cleaning the cages, will be guilty of a class A misdemeanor.

**AGRICULTURAL PRODUCT UTILIZATION AND BUSINESS DEVELOPMENT LOAN PROGRAM**  
(Sections 348.400, 348.407, and 348.412)

The Missouri Agricultural and Small Business Development Authority is allowed to make loan guarantees to certain qualified agribusinesses under the Agricultural Product Utilization and Business Development Loan Program; and a loan is allowed to also be used for the expansion, acquisition, construction, improvement, or rehabilitation of a qualifying agribusiness. A “qualifying agribusiness” is defined as any business whose primary customer base is producers of agricultural goods and products or any business whose function is the support of agricultural production or processing by providing goods and services used for producing or processing agricultural products.

The bill contains an emergency clause for the provisions regarding the Animal Care Facilities Act and the Canine Cruelty Prevention Act.

**HCS SCS SB 163 — HIGHER EDUCATION GOVERNING BOARDS**

*(Vetoed by the Governor)*

Currently, the Coordinating Board for Higher Education, the University of Missouri Board of Curators, and the Missouri State University Board of Governors have nine voting members, with no more than one person appointed from the same Congressional district. This bill requires at least one voting member, but no more than two, to be appointed from each Congressional district. A member who is in office on the effective date of the bill may complete his or her term.

**SB 165 — BASIC CIVIL LEGAL SERVICES FUND**

This bill extends the expiration date of the provisions regarding the Basic Civil Legal Services Fund from December 31, 2012, to December 31, 2018.

**CCS HCS SB 173 — TRANSPORTATION AND INFRASTRUCTURE**

This bill changes the laws regarding transportation and infrastructure. In its main provisions, the bill:

(1) Requires the Joint Committee on Missouri’s Promise to develop long-term strategies and plans for investing in and maintaining a modern infrastructure and transportation system and for identifying potential sources of revenue to sustain these efforts;

(2) Establishes the Missouri State Transit Assistance Program to be administered by the Department of Transportation to provide state financial assistance to defray the operating and capital costs incurred by public mass transportation service

providers. The distribution of any appropriated funds must be determined by evaluating certain factors of each service provider including, but not limited to, population, ridership, cost and efficiency of the program, availability of alternative transportation in the area, and local effort or tax support;

(3) Extends the authority of the Highways and Transportation Commission within the Department of Transportation to enter into design-build projects from July 1, 2012, to July 1, 2018. The commission is also authorized to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of the Daniel Boone Bridge on U. S. Highway 40/61 I-64 located in the counties of St. Charles and St. Louis;

(4) Designates the portion of U. S. Highway 160 in Greene County from the intersection of West Mount Vernon Street to one-half mile south of the intersection of West Sunshine Street as the “Rabbi Ernest I. Jacob Memorial Highway” and repeals the provision designating U. S. Highway 160 in Greene County from the intersection of Farm Road 142 to the intersection of West Sunshine Street as the “Rabbi Abraham Joshua Heschel Memorial Highway”;

(5) Designates the portion of Interstate 40/64 in St. Louis County from the Boone’s Crossing overpass at mile marker 17.0 west to the Spirit of St. Louis Airport overpass at mile marker 13.8 as the “Missouri State Highway Patrol Sergeant Joseph G. Schuengel Memorial Highway”;

(6) Designates the portion of State Highway 30 from State Route NN north three miles to 1/10 of a mile southwest of old State Highway 30 in Jefferson County as the “SFC Wm. Brian Woods, Jr. Memorial Highway”;

(7) Changes the laws regarding the Missouri Transportation Development District Act by:

(a) Adding a public mass transportation system to the list of eligible projects;

(b) Allowing the operation of a street car or other rail-based or fixed guideway public mass transportation system to the list of eligible projects for a transportation development district located in the City of Kansas City;

(c) Specifying that a district formed for a public mass transportation system project will not have to submit the proposed project to the Highways and Transportation Commission for its prior approval; and

(d) Specifying that the sales tax imposed by a district whose project is a public mass transportation system will not be considered economic activity taxes as it relates to tax increment financing laws and the tax revenues are not subject to allocation under the tax increment financing laws;



(8) Authorizes the Metropolitan St. Louis Sewer District to enter into a design-build contract for a construction project exceeding \$1 million. The bill:

(a) Establishes procedures for a design-build contract;

(b) Requires the district to adopt procedures for requesting proposals from up to five prequalified contractors and for evaluating and awarding contracts;

(c) Establishes advertising requirements and procedures for submitting and opening proposals and for readvertising when necessary;

(d) Specifies that payment bonds are required for the project, but the performance bond does not need to cover design services if the contractor or subcontractor providing design services carries professional liability insurance in the amount established by the district in the request for proposal;

(e) Requires an architect, engineer, or land surveyor providing services for the contractor to be licensed or authorized in this state as required by law unless the subcontractor performing the services is properly licensed;

(f) Requires the district to retain an architect or engineer unless it already retains one; and

(g) Prohibits the architect or engineer retained by the district from acting as the design-build contractor, subcontractor, joint venturer, or partner for the project; and

(9) Extends, from December 31, 2011, to December 31, 2014, the provisions requiring the Highways and Transportation Commission within the Department of Transportation to be a notification center participant regarding excavation involving underground facilities and removes the provision requiring the notification center to ask excavators, as part of the process to request the locating and marking of underground facilities, to identify whether or not the proposed excavation will be on a public right-of-way or easement dedicated to public use for vehicular traffic.

## **SB 180 — BICYCLING AWARENESS OBSERVANCES**

This bill designates the month of October as “Walk & Bike to School Month,” the first Wednesday of October as “Walk & Bike to School Day,” the month of May as “Missouri Bicycle Month,” the third Friday of May as “Bike to Work Day,” and the week of Bike to Work Day as “Bike to Work Week” to promote the benefits of walking and cycling to school and to encourage users to safely share the road.

## **HCS SB 187 — NUISANCE ACTIONS**

This bill changes the laws regarding county nuisance abatement ordinances, junkyards, and private nuisance actions. In its main provisions, the bill:

(1) Adds the counties of Andrew, Buchanan, Cass, Dade, Jasper, Livingston, and Newton to the list of counties authorized to enact nuisance abatement ordinances regarding the condition of any lot or land in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and is declared to be a public nuisance;

(2) Specifies that the provisions of the bill do not authorize a county to enact nuisance abatement ordinances that provide for the abatement of any condition relating to agricultural structures or operations including, but not limited to, the raising of livestock or row crops and prohibits any county of the first, second, third, or fourth classification from having the power to adopt any ordinance, resolution, or regulation governing any railroad company regulated by the Federal Railroad Administration;

(3) Changes the penalty for a screening violation by a junkyard located within 200 feet of a state or county road by making a first violation a class C misdemeanor and a second or subsequent violation a class A misdemeanor. In addition to the penalties, a violator must be ordered to remove the junk or build a fence to fully screen the junk from public view. These provisions will not apply to a junkyard located in any incorporated town, village, or city;

(4) Specifies that the exclusive compensatory damages that may be awarded to a claimant for a private nuisance originating from property primarily used for crop or animal production purposes will be as follows:

(a) For a permanent nuisance, compensatory damages must be measured by the reduction in the fair market value of the claimant's property caused by the nuisance not to exceed the fair market value of the property;

(b) For a temporary nuisance, compensatory damages must be measured by the reduction in the fair rental value of the claimant's property caused by the nuisance; and

(c) For a nuisance that has been shown by objective and documented evidence to have caused a medical condition to the claimant, compensatory damages arising from the medical condition may be awarded in addition to the aforementioned damages;

(5) Specifies that concerning a private nuisance where the alleged nuisance originates from property primarily used for crop or animal production purposes, if a claimant or his or her successor with ownership interest brings any subsequent claim

against the same defendant or his or her successors for a temporary nuisance related to a similar activity or use of property and the activity or use is deemed a nuisance, the activity or use of property at issue must be considered a permanent nuisance and the claimant and his or her successors must be limited to and bound by the remedies available for a permanent nuisance;

(6) Specifies that if a defendant in a private nuisance case where the alleged nuisance is from property used for crop or animal production purposes demonstrates a good faith effort to abate the condition determined to be a nuisance, the nuisance is to be deemed to be not capable of abatement. Substantial compliance with a court order regarding the property will constitute a good faith effort;

(7) Specifies that for a private nuisance where the alleged nuisance originates from property primarily used for crop or animal production purposes, no person will have standing to bring an action for a private nuisance unless the person has an ownership interest in the property alleged to be affected by the nuisance;

(8) Specifies that a person is not prohibited from recovering damages for:

(a) Annoyance, discomfort, sickness, or emotional distress if the damages are awarded on the basis of a cause of action independent of a claim of nuisance; or

(b) Crop destruction, crop damage, contamination of the seed supply, or a reduction of crop value resulting from contamination of the seed or grain supply, herbicide drift, or other reduction of crop value; and

(9) Requires a copy of the final judgment in any action alleging a private nuisance to be filed with the recorder of deeds in the county in which the judgment was issued. The filing will operate as notice to any purchaser of the claimant's property that the property was related to a previous nuisance claim.

## **SCS SB 188 — UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICES**

*(Vetoed by the Governor)*

This bill changes the laws regarding unlawful discriminatory employment practices under the Missouri Human Rights Law and establishes the Whistleblower's Protection Act.

### **UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICES UNDER THE MISSOURI HUMAN RIGHTS LAW**

The bill:

(1) Adds the term "because" or "because of" as it relates to a decision or action to be the protected criterion was a motivating factor;

(2) Revises the term "employer" by specifying that it is a person engaged in an industry affecting commerce who has six or more employees for each working day in each of 20 or more weeks in the current or preceding year and does not include the federal government; a corporation wholly owned by the federal government; an individual employed by an employer; an Indian tribe; certain departments or agencies of the District of Columbia; certain private membership clubs, excluding labor organizations; and corporations and associations owned and operated by religious or sectarian groups;

(3) Specifies that in an employment action alleging an unlawful employment practice under Section 213.055, RSMo, certain specified provisions of Section 213.070 will only apply when an employer commits the specified acts in these provisions and cannot provide a basis for any individual liability;

(4) Specifies that the provisions of Chapter 213 are intended to be consistent with Title VII of the Civil Rights Act of 1964, as amended, in accordance with the work sharing agreement between the Missouri Commission on Human Rights and the United States Equal Employment Opportunity Commission;

(5) Requires a court to rely heavily upon judicial interpretations of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Americans With Disabilities Act when interpreting and applying the provisions of Chapter 213 in an employment case with certain specified exceptions;

(6) Specifies that the legislature intends expressly to abrogate *McBryde v. Ritenour School District*, 207 S.W.3d 162 (Mo. App. E.D. 2006) as it relates to the necessity and appropriateness of the issuance of a business judgment instruction;

(7) Recommends that certain specified frameworks for the analysis of an employment discrimination case should be considered highly persuasive if an employer in a Chapter 213 case files a Rule 74.04 of the Missouri Rules of Civil Procedure motion as a tool in removing factually insubstantial cases from crowded dockets;

(8) Allows any party in an unlawful discriminatory employment practice action to demand a trial by jury. If the trial occurs in the circuit courts of the State of Missouri, the Missouri common law regarding the presentation of evidence to a jury must apply at trial whether before a judge or jury;

(9) Specifies that the amount of all damages awarded cannot exceed the amount of the actual back pay, interest on back pay, other equitable relief, and other damages of up to \$50,000 in the case of an employer with six to 99 employees in each of 20 or more weeks in the current or preceding calendar year; up to \$100,000 for an employer with 101 to

200 employees; up to \$200,000 for an employer with 201 to 500 employees; and up to \$300,000 for an employer with more than 500 employees. The maximum award amounts do not apply to unlawful discrimination actions regarding housing, commercial real estate loans, and selling or renting by real estate agencies. The limits will increase or decrease in the same amounts as any corresponding limits are increased or decreased in Section 42 U.S.C. 1981 a(b)(3);

(10) Requires the plaintiff to prove that the protected criterion was a motivating factor in the alleged unlawful decision or action in any employment-related civil action; and

(11) Prohibits punitive damages from being awarded against the state or any of its political subdivisions.

#### WHISTLEBLOWER'S PROTECTION ACT

The Whistleblower's Protection Act is established which places in statute existing common law exceptions to the at-will employment doctrine making it an unlawful employment practice for an employer to discharge or retaliate against an individual who is a protected person. The bill:

(1) Adds the term "because" or "because of" as it relates to a decision or action to be the protected criterion was a motivating factor;

(2) Defines "proper authorities" as a governmental or law enforcement agency or an officer or the employee's human resources representative employed by the employer;

(3) Defines "protected person" as a person who has reported to the proper authorities an unlawful act of the employer or its agent; a person who reports to an employer serious misconduct of the employer or its agent that violates a state law or regulation or a rule of a governmental entity; a person who has refused to carry out a directive issued by the employer or its agent that, if completed, would be a violation of the law; or a person who engages in conduct otherwise protected by statute or regulation;

(4) Specifies that the provisions of the act will provide the exclusive remedy for any and all unlawful employment practices and voids any common law causes of action to the contrary;

(5) Requires a protected person aggrieved by a violation to have a private right of action for damages. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order and may award to the plaintiff actual and punitive damages;

(6) Grants any party to an action the right to demand a trial by jury; and

(7) Specifies that the amount of all damages awarded cannot exceed the amount of the actual

back pay, interest on back pay, other equitable relief, and other damages of up to \$50,000 in the case of an employer with six to 100 employees in each of 20 or more weeks in the current or preceding calendar year; up to \$100,000 for an employer with 101 to 200 employees; up to \$200,000 for an employer with 201 to 500 employees; and up to \$300,000 for an employer with more than 500 employees. The limits will increase or decrease in the same amounts as any corresponding limits are increased or decreased in Section 42 U.S.C. 1981 a(b)(3).

#### **HCS SCS SB 213 — INCAPACITATED PERSONS AND THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT**

This bill changes the laws regarding incapacitated persons and authorizes Missouri to enter into the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

#### INCAPACITATED PERSONS

(Sections 194.115, 475.060, and 475.061, RSMo)

Any child, parent, or sibling of a deceased person may petition a court to order an autopsy or postmortem examination be performed if the deceased person was incapable of giving consent prior to his or her death due to injury, illness, or mental capacity.

The bill changes the specified information that must be stated in a petition for a person to appoint himself or herself or another qualified person as the guardian of an incapacitated person.

#### UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT (Sections 475.501 - 475.555)

The bill authorizes Missouri to enter into the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act which:

(1) Allows a court to treat a foreign country as if it were a state for the purpose of applying certain provisions of the act;

(2) Allows a court to communicate with an out-of-state court concerning a guardianship or protective proceeding;

(3) Allows a court to request an out-of-state court to:

(a) Hold an evidentiary hearing;

(b) Order an individual to produce evidence or give testimony;

(c) Order that an evaluation or assessment be made of a respondent;

(d) Order any appropriate investigation of an individual involved in a guardianship or protective proceeding;

(e) Forward to the court of this state a certified copy of the transcript or other record of an evidentiary hearing or any other proceeding, any evidence otherwise produced, and any evaluation or assessment prepared in compliance with a court order;

(f) Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated or protected person; and

(g) Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including specified protected health information;

(4) Allows testimony taken in another state from a witness who is located in another state to be offered by deposition or other means allowable in this state;

(5) Permits a court to allow a witness located in another state to be deposed or to testify by telephone, audiovisual, or other electronic means;

(6) Specifies when a court of this state has jurisdiction to appoint a guardian or to issue a protective order for a respondent;

(7) Specifies that when a court of this state is otherwise lacking jurisdiction it has special jurisdiction for specified guardianship actions;

(8) Specifies that a court which has appointed a guardian or issued a protective order has exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own term;

(9) Allows a court to decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum;

(10) Allows a guardian or conservator to petition the court to transfer the guardianship or conservatorship to another state;

(11) Specifies that if a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this state, the guardian may register, after giving notice to the appointing court of an intent to register, the guardianship order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office;

(12) Specifies that if a conservator has been appointed in another state and a petition for a protective order is not pending in this state, the conservator may register, after giving notice to the appointing court of an intent to register, the protective order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a

certified copy of the order and letter of office and of any bond; and

(13) Specifies that upon registration of a guardianship or protective order from another state, the guardian or conservator may exercise in this state all powers authorized in the order of appointment except those powers prohibited under the laws of this state.

#### **HCS SB 220 — ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS, WELL DIGGERS, AND BUILDING DEMOLISHERS**

##### ***(Vetoed by the Governor)***

This bill changes the laws regarding architects, professional engineers, land surveyors, landscape architects, well diggers, and any person involved in the demolition or razing of a structure. In its main provisions, the bill:

(1) Increases, from one to three acres, the extent of acreage authorized for a lien on property to secure payment for work performed by an architect, engineer, land surveyor, or landscape architect; a corporation registered to practice these activities; a well digger; or a person demolishing or razing a structure (Section 429.015, RSMo);

(2) Increases the statute of limitations for an action to recover damages because of an error or omission in a land survey from five years after the error or omission is discovered to 10 years from the completion of the survey (Section 516.098); and

(3) Establishes a peer review process through which design professionals evaluate, maintain, or monitor the quality and utilization of services performed by a licensed architect, landscape architect, professional land surveyor, or professional engineer. The bill specifies how a peer review process may be performed and the participants of a peer review process; authorizes immunity from civil liability for any participant of the process; and specifies the information or materials of the peer review process that are privileged and not subject to discovery, subpoena, or other legal compulsion. These provisions cannot limit the authority of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects within the Department of Insurance, Financial Institutions and Professional Registration to obtain information by subpoena or other authorized process from a peer reviewer or to require disclosure of confidential information developed outside the peer review process which relate to matters and investigations within the jurisdiction of the licensing board (Section 537.033).



### **CCS HCS SS SB 226 — ORGAN DONOR PROGRAM FUND AND AMBULANCE AND FIRE PROTECTION DISTRICTS**

This bill changes the laws regarding the Organ Donor Program Fund and ambulance and fire protection districts. In its main provisions, the bill:

(1) Authorizes, beginning January 1, 2011, an individual or corporation to designate at least \$2 on a Missouri individual income tax return or at least \$4 on a combined return of his or her tax refund amount to the Organ Donor Program Fund. A taxpayer may also donate to the fund by sending a separate check with the payment of his or her taxes (Section 143.1016, RSMo);

(2) Authorizes any ambulance district established under Chapter 190 on or after August 28, 2011, with the exception of an ambulance district in St. Louis County, to impose, upon voter approval, a sales tax of up to 0.5% in lieu of a property tax to fund the district. A petition to establish an ambulance district must state whether it will be funded by a property or a sales tax. If the sales tax is approved, the governing body of the ambulance district must lower its tax rate by an amount equal to 50% of the amount of sales tax collected in the preceding year. The Department of Revenue will deposit the sales tax in the newly created Ambulance District Sales Tax Trust Fund less 1% of the amount collected which is to be deposited into the General Revenue Fund for the cost of collecting the sales tax (Sections 190.015, 190.035, and 190.040);

(3) Establishes a procedure by which an ambulance district board member may be recalled from office by the registered voters of the member's election district. No board member can be recalled during the first or last 180 days of the member's current term or if a previous recall election was in the member's favor during the current term (Section 190.056); and

(4) Removes obsolete provisions regarding the term of office for fire protection district board members in St. Charles County (Section 321.120).

The provisions regarding the Organ Donor Program Fund will expire December 31 six years from the effective date.

### **SB 237 — GUARDIAN AD LITEM STANDARDS**

This bill requires the Missouri Supreme Court standards from September 17, 1996, regarding representation of children by guardians ad litem to be updated.

### **SS SB 238 — BENEFITS FOR A FIRE FIGHTER INCURRING AN INFECTIOUS DISEASE IN THE LINE OF DUTY**

This bill specifies that any infectious disease, as defined in the bill, which causes a condition of impaired health that results in a disability or the death of a fire fighter who has at least five years of service will be presumed to have been incurred by the fire fighter in the line of duty in certain circumstances, unless the contrary is shown by competent evidence, as it relates to a claim for disability or death or for retirement benefits. The fire fighter must submit to an annual physical examination which includes a blood test.

### **CCS#2 HCS SB 250 — SEXUAL OFFENDERS**

Currently, any person who, since July 1, 1979, has pled guilty or nolo contendere to, been convicted of, or been found guilty of certain specified sexual offenses is prohibited from residing within 1,000 feet of certain public schools, private schools, or child care facilities. This bill specifies that a child care facility includes any licensed child care facility or any facility which is exempt from licensure but subject to state fire, safety, health, and sanitation inspections and holds itself out to be a child care facility.

The bill also requires a person incarcerated for a sexual assault offense to successfully complete the treatment, education, and rehabilitation program provided by the Department of Corrections prior to being eligible for parole or conditional release.

### **CCS HCS SB 282 — ELECTIONS**

#### ***(Vetoed by the Governor)***

This bill changes the laws regarding elections. In its main provisions, the bill:

(1) Requires a special election to be held in order to fill a vacancy for the position of United States Senator, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, or State Treasurer. If there is a vacancy for any reason in the Office of Lieutenant Governor, Office of Secretary of State, or Office of State Treasurer, the Governor will take charge of these offices until a successor is elected at the special election. In the case of an impeachment trial for these offices, the Governor will supervise these offices until a final determination is made and there is a reinstatement of the official to office or a special election. If a vacancy occurs for any reason in the Office of United States Senator, the Office of Attorney General, or the Office of State Auditor, the Governor will appoint an acting senator, attorney general, or auditor to take charge of the office or hold the office in the case of the United States Senator

until the special election is held. In the case of an impeachment in the Office of Attorney General or the Office of State Auditor, the Governor must appoint an acting attorney general or auditor to supervise the duties of the office until a final determination is made and there is a reinstatement of the official to office or a special election. Currently, the Office of United States Senator and most statewide offices, except for the Office of Governor, may be filled by a gubernatorial appointment when there is a vacancy (Sections 26.016, 27.015, 28.190, 29.280, 30.060, 30.070, 30.080, 105.030, 105.040, and 105.050, RSMo);

(2) Requires a county collector or collector-treasurer to reside in the county from which he or she was elected throughout his or her term of office (Sections 52.010.1 and 54.330.1);

(3) Requires a candidate for county collector or collector-treasurer to be at least 21 years of age, a resident of the county for at least one year prior to the date of filing, and a registered voter and to have paid all state income taxes and personal and real property taxes. The candidate must present the election authority with a copy of a signed affidavit from a surety company authorized to do business in Missouri indicating that the candidate meets the statutory bond requirements of the office (Sections 52.010.2, 52.010.3, and 54.330.1);

(4) Allows an exception for a county having a township form of government with an office of collector-treasurer from the requirement that the county commission appoint a deputy treasurer or a qualified person to serve as an interim treasurer in the event of a vacancy. Currently, only a county with a charter form of government is allowed this exemption (Section 54.033);

(5) Specifies that the county collector-treasurer in a county having township organization will have the sole authority to appoint deputies (Section 54.330.2);

(6) Allows third class cities to eliminate, by order or ordinance, a primary election for mayor and councilman and conduct the election as specified in the bill (Section 78.090);

(7) Specifies that the county clerk or the officer designated as the director of elections in any charter county without a board of election commissioners will be the election authority with the powers and duties subject to the limitations established in the county's charter. Currently, the county clerk or the board of election commissioners is the election authority (Section 115.015);

(8) Changes the allowable dates for holding a public election by removing the first Tuesday after the first Monday in June as a possible election date (Section 115.123);

(9) Specifies that in a nonpartisan election in any political subdivision or special district except for a municipal election in any city, town, or village with more than 35,000 inhabitants when no election is held because the number of candidates is equal to the number of positions in that office, the election authority must publish a notice containing the names of the candidates who will assume the responsibilities of office. The notice must be published by April 1 of each year in at least one newspaper of general circulation in the political subdivision or district. Currently, in a nonpartisan election in any political subdivision or special district with the exception of municipal elections, candidates are allowed to take office without an election if the number of candidates is equal to the number of positions to be filled and proper notice has been published in at least one newspaper of general circulation in the district (Section 115.124);

(10) Specifies that the opening filing date for any office filled by an election held on the general municipal election day will be the first Tuesday in December of the year prior to the election and the closing date will be the first Tuesday after the first Monday in January of the year in which the election is held. This provision will not apply to any election in a political subdivision or special district in any charter county with the exception of Jefferson County (Section 115.127);

(11) Repeals the provision requiring a political party's emblem to be printed on an election ballot above the party caption (Section 115.241);

(12) Repeals the provision requiring an absentee ballot to be rejected if sufficient evidence is shown to the election authority that the absentee voter has died prior to the opening of the polls on election day (Section 115.293);

(13) Requires any candidate for public office to declare under penalty of perjury that he or she is not aware of any information that would prohibit him or her from fulfilling any bonding requirements of the office. The candidate must file with the Department of Revenue a signed affidavit from a surety company authorized to do business in Missouri that the candidate meets the bond requirements and include a copy of the affidavit with the declaration of candidacy that must be filed with the appropriate election official (Section 115.342);

(14) Allows for a recount of the votes if a candidate or any person whose position on a ballot issue was defeated by less than one-half of 1% of the votes cast instead of the current 1% (Section 115.601);

(15) Specifies that any person who discourages, hampers, pressures, or attempts to prevent another person from filing for office for the purpose of eliminating the requirement to hold a special election

because the number of candidates filing is the same as the number of positions to be filled will be guilty of a class four election offense (Section 115.637);

(16) Repeals the provision requiring a statewide presidential primary to be held on the first Tuesday after the first Monday in February any year in which a presidential election is held and requires the presidential primary to be held on the first Tuesday after the first Monday in March of each presidential election year (Section 115.755);

(17) Increases the state committee filing fee for a presidential candidate from \$1,000 to \$5,000 for an election held on or before December 1, 2012, and to \$10,000 for any election held thereafter (Section 115.761); and

(18) Establishes a procedure by which an ambulance district board member may be recalled from office by the registered voters of the member's election district. No board member can be recalled during the first or last 180 days of the member's current term or if a previous recall election was in the member's favor during the current term (Section 190.056).

#### **CCS HCS SB 284 — PHARMACIES**

This bill changes the laws regarding pharmacies.

##### **SALES TAX EXEMPTION FOR CERTAIN DRUGS AND MEDICAL EQUIPMENT (Section 144.030, RSMo)**

The bill authorizes a state and local sales tax exemption for the rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories, ambulatory aids, wheelchairs, stairway lifts, Braille writers, scooters, reading machines, electronic print enlargers, communication devices; items used solely to modify vehicles to accommodate a disability; and for a drug required by the federal Food and Drug Administration to meet specified over-the-counter drug product labeling requirements that is prescribed by a licensed health care practitioner.

##### **BOARD OF PHARMACY (Section 338.055)**

The Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration is authorized to refuse to issue a certificate of registration, permit, or license to an applicant for a pharmacy or drug distributor license if the designated pharmacist-in-charge, manager-in-charge, or any office owner, manager, or controlling shareholder of the applicant has committed an act which would be grounds for discipline.

#### **WHOLESALE DRUG DISTRIBUTORS (Sections 338.330)**

The bill defines "legend drug" as it relates to regulating wholesale drug distributors as any drug or biological product that is subject to Section 503(b) of the Federal Food, Drug and Cosmetic Act; is required under federal law to be labeled in certain ways; or is required by law or regulation to be dispensed by prescription only or that is restricted to use by practitioners only. Any investigational new drug or a drug product being used for conducting a clinical trial or investigation under specified situations is exempt from this provision.

The bill contains an emergency clause for the provisions regarding wholesale drug distributors.

#### **SS SB 306 — CREDIT UNIONS**

This bill changes the laws regarding the Division of Credit Unions within the Department of Insurance, Financial Institutions and Professional Registration. In its main provisions, the bill:

(1) Requires the division director to be appointed by the Governor with the advice and consent of the Senate;

(2) Requires the division director and each employee, before entering upon the discharge of his or her duties, to take an oath that he or she will not reveal any facts, conditions, or affairs of any credit union that he or she may have knowledge of by virtue of his or her official position unless required to do so by law in the discharge of the duties of his or her office or when testifying in any court proceeding;

(3) Prohibits the division director and any division employee who participates in the examination of a credit union or who may be called upon to make an official determination, other than as a member of the Credit Union Commission, from being an officer or director of any credit union regulated by the division or from receiving any payment or gratuity from any of these credit unions, negotiating loans for others, or being indebted to any state-chartered credit union;

(4) Authorizes the division director to compel the production of documents and the attendance of and administer oaths to any person having knowledge of any issue involved with an examination or investigation. The division director may seek judicial enforcement of an administrative subpoena by application to the appropriate court which will be subject to the same defenses or subject to a protective order or conditions as deemed appropriate by the court in accordance with Missouri Supreme Court rules. All information must be held in confidence absent a court's finding of compelling reasons for disclosure except in specified circumstances;

(5) Prohibits a state-chartered credit union, its director, or any of its officers or employees from being charged with libel, slander, or defamation for any good faith communications with the division director or any division employee;

(6) Allows the division director to serve a written notice to an individual of his or her intention to remove the person from office when it appears that the person while conducting the affairs of a credit union has committed a violation of any law or regulation or a cease and desist order; has violated any agreement or condition imposed in writing by the division director; has engaged in any unsafe or unsound practice; or has committed or engaged in an act, omission, or practice which constitutes a breach of his or her fiduciary duty to the credit union or a crime involving dishonesty or breach of trust. If the division director finds it necessary to protect any credit union or its members, he or she can serve written notice on the person to suspend or prohibit him or her from participating in any manner in the conduct of the affairs of the credit union or from any other credit union supervised by the division director unless the division director gives written consent allowing for participation in another credit union;

(7) Requires the notice of intention to remove a person from or to prohibit his or her participation in a credit union to contain a statement of the facts constituting the grounds for removal or prohibition and the time and place of the hearing regarding the notice. Within 10 days of the suspension or prohibition from participation in the conduct of the affairs of a credit union, the person can apply for a stay of the suspension or prohibition with the circuit court of the county in which the credit union is located or the circuit court of Cole County pending the completion of the administrative proceedings under the notice served upon the person;

(8) Specifies that if at any time there are not enough members to constitute a quorum because of the suspension of one or more members of any board of directors, the remaining members will be vested with the powers or functions of the board until there is a quorum. If all directors have been suspended, the division director will appoint temporary directors;

(9) Removes the provision which prohibits a credit union from issuing a loan to a director or a credit or supervisory committee member of the credit union in excess of \$25,000 for certain specified purposes;

(10) Removes provisions regarding the required amount of reserve funds of a credit union and instead requires all credit unions to establish and maintain sufficient reserves to qualify for and maintain federal share insurance and to meet any requirements concerning minimum reserves established by a regulation of the division director; and

(11) Requires a credit union that is merging to mail or deliver a notice of the meeting to vote upon the merger to each member between 14 and 30 days prior to the meeting. All members must be given the opportunity to vote on the merger or consolidation plan at the meeting or without attending the meeting by written or electronic ballot. Currently, notice must be given as provided in the credit union's bylaws or by a letter to the shareholders. These same procedures will apply when a state-chartered credit union votes to convert to a federal credit union.

## **SS#2 SCS SB 320 — DOMESTIC VIOLENCE AND ORDERS OF PROTECTION**

This bill changes the laws regarding domestic violence and orders of protection. In its main provisions, the bill:

(1) Specifies that the juvenile court or family court will have exclusive original jurisdiction in a proceeding involving an order of protection when the respondent is younger than 17 years of age;

(2) Revises the definition of "abuse" to specify that it does not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner;

(3) Revises the definition of "harassment" to include conduct that alarms or causes distress to a child. Currently, it only applies to an adult;

(4) Defines "child" as any person younger than 17 years of age unless he or she is emancipated;

(5) Revises the definition of "domestic violence" as abuse or stalking;

(6) Revises the definition of "family" or "household member" to include any person related by blood or marriage; persons presently residing together or who have resided together in the past; any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim; and anyone who has a child in common regardless of whether they have been married or have resided together at any time;

(7) Revises the definition of "petitioner" to be a family or household member who has been a victim of domestic violence, any person who has been a victim of stalking, or a person filing on behalf of a child pursuant to Section 455.503, RSMo;

(8) Revises the definition of "respondent" to be a family or household member alleged to have committed an act of domestic violence, a person alleged to have committed an act of stalking against whom a petition has been filed, or a person served on behalf of a child pursuant to Section 455.503;

(9) Revises the definition of "stalking" to include stalking by any person instead of by an adult;



(10) Prohibits a petitioner from being charged a filing fee in any action regarding an adult order of protection, including a contempt motion seeking to enforce an existing order of protection;

(11) Specifies that if a respondent is younger than 17 years of age and is not emancipated, service of process of an ex parte order of protection must be made upon his or her parent, guardian, or a court-appointed guardian ad litem;

(12) Requires a court to transfer a case to juvenile court for a hearing on a full order of protection if an ex parte order is entered and the respondent is younger than 17 years of age. The court must appoint a guardian ad litem for any respondent not represented by a parent or guardian;

(13) Requires the local law enforcement agency or any other government agency responsible for serving ex parte orders of protection to enter service information into the State Highway Patrol's Missouri Uniform Law Enforcement System (MULES) or future secure electronic databases that are intended for law enforcement use within 24 hours after an ex parte order is served on a respondent;

(14) Allows the court, upon a finding that it is in the best interest of the parties, to include a provision that a full order of protection with a duration of one year must automatically renew unless the respondent requests a hearing at least 30 days prior to the expiration of the order;

(15) Requires the law enforcement agency maintaining MULES to enter information contained in an order of protection including any orders regarding child custody or visitation and all specifics as to the times and dates of custody or visitation provided in the order. Any change in child custody or visitation within an order must be issued to the local law enforcement agency and the agency responsible for entering the information into MULES. Any expiration or termination must be entered within 24 hours of receiving the notice;

(16) Requires the court to cause a copy of any objection to an automatic renewal of a full order of protection with a duration of one year that is filed by the respondent and a notice of the date set for the hearing on that objection to be personally served upon the petitioner by a personal process server, sheriff, or police officer at least three days prior to the hearing. This service of process must be served at the earliest time and take priority over service in other actions except those of a similar emergency nature;

(17) Allows the court to include in any full or ex parte order of protection any terms reasonably deemed necessary to ensure the petitioner's safety;

(18) Specifies that before the court terminates any order of protection it can examine the circumstances of the motion to dismiss the order and may inquire of the petitioner or others in order to assist the court in determining if the dismissal is voluntary;

(19) Specifies that a respondent in violation of an ex parte or full order of protection for a child will be guilty of a class A misdemeanor for entering a petitioner's place of employment or school or for being within a certain distance of the petitioner or a child of the petitioner unless the respondent has previously pled guilty to or has been found guilty of violating an order of protection within five years of the date of the subsequent violation in which case he or she will be guilty of a class D felony. Evidence of a prior plea of guilty or finding of guilt must be heard by the court out of the presence of the jury prior to the submission of the case to the jury. If the court finds the existence of a prior plea of guilty or a finding of guilt beyond a reasonable doubt, the court must decide the extent or duration of the sentence or other disposition and cannot instruct the jury regarding the range of punishment or allow the jury to assess the punishment as part of its verdict;

(20) Requires any ex parte order of protection to be for the purpose of protecting the victim from domestic violence which can include restraining the respondent from communicating with the victim in any manner or through any medium;

(21) Specifies that the provisions of Section 491.075 regarding the admissibility of statements of a child younger than 14 years of age, instead of the current younger than 12 years of age, are to apply to any hearing regarding allegations of domestic violence;

(22) Requires any full order of protection to be for the purpose of protecting the victim from domestic violence which can include temporarily enjoining the respondent from communicating with the victim in any manner or through any medium;

(23) Requires the Division of Probation and Parole within the Department of Corrections to establish standards and to adopt a credentialing process for any court-appointed batterer intervention program;

(24) Requires all records in a proceeding of the juvenile court regarding an order of protection to be kept confidential and to only be open for inspection without a court order to the juvenile officer; officials at the child's school, law enforcement officials, prosecuting attorneys, or any person or agency having or proposed to provide care, custody, control, or treatment of the child; and the parent, guardian, or court-appointed guardian ad litem of the child;

(25) Specifies that any person who has pled guilty to or been found guilty of any offense committed in violation of any county or municipal ordinance in any state or any state, federal, or military law which, if committed in Missouri, would be a third degree domestic assault will be guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault;

(26) Repeals the expiration and termination dates of the provisions regarding the Safe at Home Confidentiality Program which provides victims of sexual assault, rape, stalking, and domestic violence a substitute mailing address through the Secretary of State's Office;

(27) Prohibits a public or private agency providing services to victims from using more than 10% of any funds received from the Services to Victims Fund for administrative purposes; and

(28) Requires the Department of Public Safety to establish the maximum reimbursement rate for a forensic examination for a victim of a sexual offense which reflects the reasonable cost of providing the examination.

### **HCS SB 325 — PROFESSIONAL REGISTRATION**

This bill changes the laws regarding professional registration.

#### **PROFESSIONAL LICENSES**

(Section 324.014, RSMo)

The bill requires any board, commission, committee, council, or office in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration to notify any known current employer of a change in a licensee's license and discipline status. An employer may provide any board, commission, committee, council, or office in the division with a current list of licensed employees and request in writing to the board, commission, committee, council, or office to be notified regarding any change in the licensing status of an employee.

#### **LIMITED DENTAL TEACHING LICENSES**

(Section 332.425)

The Missouri Dental Board within the Department of Insurance, Financial Institutions and Professional Registration is authorized to issue a limited teaching license to a dentist employed as an instructor in an accredited dental school located in this state. The bill:

(1) Limits a licensee to practice dentistry to the confines of a dental school program;

(2) Requires a limited teaching license to be renewed every two years;

(3) Requires a licensee to be subject to discipline by the board and a license to be automatically canceled or nullified if the holder ceases to be employed by a dental school; and

(4) Specifies the requirements to qualify for a license.

#### **LICENSURE OF FUNERAL DIRECTORS AND EMBALMERS (Sections 333.041 - 333.061, 333.091, 333.151, and 333.171)**

The bill:

(1) Allows, at the discretion of the State Board of Embalmers and Funeral Directors within the Department of Insurance, Financial Institutions and Professional Registration, a general equivalency diploma to satisfy the requirement that an applicant for a license as a funeral director or an embalmer have a high school diploma;

(2) Removes the provision requiring an applicant for a funeral director's or embalmer's license to be a Missouri resident or a resident of a county which borders Missouri;

(3) Removes the provision requiring an applicant for an embalmer's license to graduate from an accredited institute of mortuary science education and instead requires him or her to complete a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity approved by the board;

(4) Specifies that an applicant for a funeral director's or embalmer's license must complete at least a 12-consecutive-month apprentice program. Currently, a person must complete an apprenticeship for at least 12 months;

(5) Removes the provision requiring a funeral director or an embalmer to have his or her registration recorded in the office of the local registrar of vital statistics in the district where he or she practices; and

(6) Changes the membership of the board from 10 to six and requires its membership to represent diversity in gender, race, ethnicity, and geographic regions of the state and specifies that a majority of the members will constitute a quorum.

#### **NURSING EDUCATION INCENTIVE PROGRAM**

(Sections 335.036, 335.200, 335.203, 335.206, and 335.209)

The Nursing Education Incentive Program is established within the Department of Higher Education to address nursing shortages. The State Board of Nursing within the Division of Professional Registration in the Department of Insurance, Financial Institutions and Professional Registration is authorized to provide funding for the program; and subject to appropriation, the Department of

Higher Education will award grants to eligible higher education institutions accredited by the Higher Learning Commission of the North Central Association based on criteria to be determined by the board and the Department of Higher Education. Grant award amounts cannot exceed \$150,000, and no campus may receive more than one grant per year. An eligible institution must offer a nursing program that meets the predetermined category and area of need as established by the board and the Department of Higher Education based on data from sources specified in the bill.

The bill also repeals the provisions regarding an obsolete incentive grant program which focused on nontraditional nursing students and the provisions regarding the Nurse Training Incentive Fund.

#### LICENSED PRACTICAL NURSES (Section 335.099)

A licensed practical nurse who is an approved instructor for the level 1 medication aid program will be qualified to teach the insulin administration course under Chapter 198. Any licensed practical nurse will also be qualified to perform diabetic nail care and monthly onsite reviews of basic personal care recipients in a residential care or assisted living facility as required by the Department of Social Services and to perform dietary oversight for these residents as required by the Department of Health and Senior Services.

#### VETERINARY LEGEND DRUGS

(Sections 338.010, 338.140, 338.150, 338.210, 338.220, 338.240, and 338.315)

A licensed veterinarian is allowed to administer or prescribe only for use in animals any medicine, drug, or pharmaceutical product including legend drugs under 21 U.S.C. Section 353 by expanding class L veterinary permits issued by the Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration to include the administering or prescribing of legend drugs.

The membership of an advisory committee appointed by the Board of Pharmacy to review and make recommendations to it regarding drug distributors is increased from five to six by adding a licensed veterinarian recommended by the Board of Veterinary Medicine within the department. The committee will also review and make recommendations to the Board of Pharmacy regarding rules and regulations on veterinary legend drugs.

A pharmacy that only holds a class L veterinary permit is not required to have a pharmacist on site except for when noncontrolled drugs for use in animals are being compounded. A supervising

registered pharmacist is responsible for reviewing the activities and records of a class L pharmacy permit holder.

#### WHOLESALE DRUG DISTRIBUTORS (Section 338.330)

The bill defines “legend drug” as it relates to regulating wholesale drug distributors as any drug or biological product that is subject to Section 503(b) of the Federal Food, Drug and Cosmetic Act; is required under federal law to be labeled in certain ways; or is required by law or regulation to be dispensed by prescription only or that is restricted to use or dispensed by practitioners only. Any investigational new drug or a drug product being used for conducting a clinical trial or investigation under specified situations is exempt from this provision.

#### REAL ESTATE LICENSEE LIABILITY (Section 339.190)

Currently, a real estate licensee is immune from liability for statements made by certain expert professionals unless the expert was selected and engaged by the licensee, the statement was made by a person employed by the licensee or broker, or the licensee knew that the statement was false or acted in reckless disregard as to whether the statement was true or false. The bill specifies that the ordering of a report or an inspection alone will not constitute selecting or engaging a person.

#### ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS, WELL DIGGERS, AND BUILDING DEMOLISHERS (Sections 429.015 and 516.098)

The bill increases, from one to three acres, the extent of acreage authorized for a lien on property to secure payment for work performed by an architect, engineer, land surveyor, or landscape architect; a corporation registered to practice these activities; a well digger; or a person demolishing or razing a structure.

The statute of limitations for an action to recover damages for an error or omission in a land survey is increased from five years after the error or omission is discovered to 10 years from the completion of the survey.

#### PRENEED FUNERAL CONTRACTS (Sections 436.405, 436.412, and 416.445 - 436.456)

The definition of “insurance-funded preneed contract” is revised to include a preneed contract designated to be funded by a deferred annuity contract that is not classified as a variable annuity and has death benefit proceeds that are never less than the sum of premiums paid. A trustee of a preneed trust is allowed to invest trust funds with authorized

external investment advisors of a trustee, seller, or provider; and a preneed seller and purchaser can agree in writing to put the funds for the preneed contract into an account in the beneficiary's name and payable on the beneficiary's death to the seller. The bill also changes the procedure for a funeral provider to receive funds after providing funeral services and merchandise and the procedure for a purchaser who wants to cancel a preneed contract funded by a joint account.

The bill contains an emergency clause for the provisions regarding wholesale drug distributors.

### **HCS SS SCS SB 351 — ADOPTION RECORDS**

This bill changes the laws regarding adoption records. In its main provisions, the bill:

(1) Allows nonidentifying biological parent or sibling information regarding an adoptee to be furnished by the child-placing agency or the juvenile court upon written request to the adopted adult's lineal descendants if the adopted adult is deceased;

(2) Revises the provisions regarding an adopted adult obtaining identifying information of his or her undisclosed biological parents by making a request to the circuit court having original jurisdiction by allowing the identifying information to also be disclosed to the adopted adult's lineal descendants if the adopted adult is deceased;

(3) Requires the court to disclose identifying information regarding a biological parent to the adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased or under certain specified conditions if the biological parent is found to be deceased;

(4) Requires only the biological parents to be notified about a request for identifying information. Currently, the adopted adult must make a request and follow a specified procedure for obtaining consent from both the adoptive and biological parents if prior consent has not been given through the child-placing agency or juvenile court personnel; and

(5) Allows an adopted adult to obtain identifying information on adult siblings with the sibling's consent without the court having to find that the information is necessary for health-related purposes.

### **CCS#2 HCS SCS SB 356 — AGRICULTURE**

This bill changes the laws regarding the Joint Committee on Urban Agriculture, sales tax exemptions, noxious weeds, listing of livestock brands, the Commodity Merchandising Council Program, and grain dealers; creates the Puppy Protection Trust Fund; and establishes the Missouri Farmland Trust Act.

#### **JOINT COMMITTEE ON URBAN AGRICULTURE (Section 21.801, RSMo)**

The bill renames the Joint Committee on Urban Farming to the Joint Committee on Urban Agriculture and extends the expiration date of the provisions regarding the committee from January 1, 2011, to January 1, 2013. The committee must prepare a final report with its recommendations to the Speaker of the House of Representatives, the President Pro Tem of the Senate, and the Governor by December 31, 2012.

#### **INCOME TAX REFUND DESIGNATION TO THE PUPPY PROTECTION TRUST FUND (Section 143.1014)**

Beginning January 1, 2011, the bill authorizes an individual or corporation to designate at least \$1 on a Missouri individual return or at least \$2 on a combined return of his or her tax refund amount to the newly created Puppy Protection Trust Fund. A taxpayer may also donate to the fund by sending a separate check with the payment of his or her taxes. The donations are to be used by the Department of Agriculture for the sole purpose of administering the Canine Cruelty Prevention Act.

#### **SALES TAX EXEMPTIONS (Sections 144.010, 144.020, 144.030, and 144.070)**

The bill exempts the following items from state and local sales and use taxes:

(1) The sale of captive wildlife which includes, but is not limited to, exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under a permit issued by the Department of Conservation for hunting purposes. This exemption does not apply to the sales tax on a harvested animal; and

(2) The sale of any accessories for and upgrades to farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and freight charges on any exempt item.

#### **MISSOURI FARMLAND TRUST ACT (Section 262.815)**

The bill establishes the Missouri Farmland Trust Act to allow individuals and entities to donate or otherwise convey farmland to the Department of Agriculture to preserve it as farmland and to assist beginning farmers by allowing long-term low and variable cost leases on the land making it affordable for the next generation of farmers to produce food, fiber, and fuel.

The Missouri Farmland Trust will be implemented to accomplish the following objectives:

- (1) Protecting and preserving Missouri's farmland;
- (2) Linking new generations of prospective farmers with present farmers; and



(3) Promoting best practices in environmental, livestock, and land stewardship.

The Missouri Farmland Trust Advisory Board is established within the department to make recommendations to the department director regarding the appropriate uses of farmland in the trust and the criteria for the selection of program participants and to review and make recommendations regarding applications to lease farmland in the trust.

The bill specifies the membership of the board and the terms of its members. The department is authorized to accept or acquire by purchase, lease, donation, or agreement any agricultural lands, easements, or real and personal property including, but not limited to, buildings, structures, improvements, equipment, or facilities subject to preservation and improvement which will be the property of the trust.

The Missouri Farmland Trust Fund is created consisting of gifts, donations, and appropriations by the General Assembly. Upon appropriation, moneys in the fund must be used for the administration of the trust and may be used to make payments to counties for the value of land in lieu of real and personal property taxes for privately owned land acquired and for the maintenance, operation, regulation, and improvement of the trust's assets to promote agriculture and the general welfare. Property acquired by the department must be used for agricultural purposes and must be farmed and maintained using the best environmental, conservation, and stewardship practices as specified by the department. No beginning farmer can lease farmland in the trust for more than 20 years. Any person or entity donating to or leasing land from the department must release the state, its employees, volunteers, agents, and any entity acting in concert or on behalf of the state from any and all claims, actions, or demands that he or she and his or her relatives and legal representatives have now or may have in the future for any injury, death, or property damage related to participation in these activities as well as the negligence or any other acts connected to the activities and the condition of the property where the activities occurred.

#### NOXIOUS WEEDS

(Sections 263.190 - 263.241 and 263.450)

The bill:

(1) Specifies that "noxious weed" means any weed designated as noxious by rules established by the Director of the Department of Agriculture and requires the department to maintain a list of noxious weeds and make it available to the public;

(2) Expands the requirement of every landowner to control all noxious weeds growing on his or her land sufficiently to prevent the weeds from going to seed to include any person, association of

persons, corporation, partnership, the Highways and Transportation Commission within the Department of Transportation, any state department, state agency, county commission, township board, school board, drainage board, governing body of an incorporated city, railroad company or other transportation company and its authorized agent, and any person supervising state-owned lands;

(3) Prohibits the sale of any noxious weed species; and

(4) Repeals provisions designating specific plants as noxious weeds and requiring entities to control the spread of the weeds as well as the provisions regarding a county noxious weed fund.

#### LISTING OF LIVESTOCK BRANDS

(Section 268.121)

Currently, the Director of the Department of Agriculture must publish a list of all recorded livestock brands in a book form and send a copy of the book and any supplement to the county recorder of deeds in each county and to each licensed livestock market and slaughter plant in the state. The bill removes this requirement and instead specifies that the department director must create a list and make it available on a publicly accessible web site. The list must be updated from time to time.

#### COMMODITY MERCHANDISING COUNCIL PROGRAM (Section 275.360)

The bill adds a rice grower or producer to those exempt from the provision allowing an agricultural producer or grower to independently request a refund of the fees paid to the Commodity Merchandising Council Program from the Director of the Department of Agriculture.

#### GRAIN DEALERS (Sections 276.401, 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280)

The bill:

(1) Revises the definition of "grain dealer" or "dealer" to exempt a producer or feeder of grain for livestock or poultry who exclusively buys grain for his or her own farming or feeding purposes from licensed grain dealers or whose total grain purchases from producers during his or her fiscal year do not exceed 50,000 bushels instead of the current \$100,000;

(2) Requires every licensed grain dealer or applicant for a grain dealer's license to maintain a minimum net worth equal to 5% of annual grain purchases as established in the required financial statements. Currently, only certain dealers or applicants are required to maintain a specified minimum net worth;

(3) Requires any licensed grain dealer or applicant to have and maintain current assets at least equal to 100% of current liabilities and specifies certain requirements regarding the calculation of the amount of a dealer's or applicant's assets and liabilities;

(4) Increases the minimum surety bond requirement for a licensed grain dealer from \$20,000 to \$50,000 and the maximum from \$300,000 to \$600,000;

(5) Changes the formula for determining the amount of surety bond required by specifying that the amount must be equal to 2% of the dealer's previous year's grain purchases or 2% of the estimated amount if the dealer has been engaged in the business for less than a year. Currently, the amount must be between 1% and 5% of the purchases or the estimate;

(6) Changes the net worth an owner of a licensed grain warehouse must have and maintain to the greater of \$10,000 or the amount which results from multiplying the storage capacity of the warehouse by 25 cents per bushel instead of the current 15 cents per bushel; and

(7) Repeals the provision allowing a grain dealer who has purchased less than \$400,000 of grain during the previous year to satisfy the bond requirement by filing with the Director of the Department of Agriculture a bond at the rate of \$1,000 for every \$20,000 worth of grain purchased with a minimum bond of \$10,000.

The provisions regarding the Puppy Protection Trust Fund will expire December 31 six years from the effective date.

The bill contains an emergency clause for the provisions regarding the Joint Committee on Urban Agriculture.

### **HCS SCS SB 366 — MISSOURI COOPERATIVE ASSOCIATIONS ACT**

This bill changes the laws regarding the conversion of certain businesses to a different type of entity and establishes the Missouri Cooperative Associations Act.

#### **CONVERSION OF BUSINESSES**

The bill specifies that a limited liability company; statutory trust; business trust or association; real estate investment trust; common-law trust; any other unincorporated business, including a partnership; or a foreign corporation may convert to a Missouri corporation upon executing a certificate of conversion in the Office of the Secretary of State. A Missouri corporation is also allowed to convert to one of the aforementioned types of entities in the same manner and upon the adoption of a resolution approving the conversion and the approval of its shareholders. All property, obligations, and liabilities must follow the converting entity to the business organization into which it is converting. The converting entity cannot be required to wind up affairs, pay liabilities, or distribute

assets; and the conversion will not constitute a dissolution of the corporation. These provisions cannot be deemed to authorize the conversion of a nonprofit corporation into another entity. The bill specifies the amount that the Secretary of State can charge for filing a certificate of conversion to or from a corporation under these provisions.

#### **MISSOURI COOPERATIVE ASSOCIATIONS ACT**

The Missouri Cooperative Associations Act is established which allows a cooperative to be formed and organized to conduct or promote any lawful business or purpose for the mutual welfare of its members. In its main provisions, the bill:

(1) Specifies that any cooperative formed under this act will not be subject to the provisions in Sections 357.010 - 357.190 RSMo, relating to cooperative companies;

(2) Specifies that a cooperative will be comprised of members and governed by a board of directors. Members may be patron or nonpatron members with patron members being those who conduct business with the cooperative;

(3) Allows a cooperative to elect to be structured as a corporation or as a partnership under federal income tax laws;

(4) Specifies that the articles of association may limit a director's liability except for a breach of the duty of loyalty to the cooperative or its members, intentional misconduct, illegal distributions, and improper benefits;

(5) Allows a cooperative to indemnify persons in certain situations;

(6) Specifies the requirements for the organization of a cooperative including defining organizational purpose, who may organize, cooperative names, elements to be included in the articles of organization and bylaws, and the procedures and requirements for amending the articles and bylaws;

(7) Requires a member to have access to the books and records of the cooperative;

(8) Specifies the requirements governing the actions and liabilities of directors and officers including the election procedures for directors, quorum requirements, removal procedures for directors and officers, meeting requirements, limitation of liability, and indemnification procedures;

(9) Specifies member requirements including membership interests, meetings, voting rights, sale of assets, and contribution agreements; and

(10) Specifies the procedures for merging, consolidating, and dissolving a cooperative.

**HCS#2 SJR 2 — ELECTIONS**

Upon voter approval, this proposed constitutional amendment authorizes the General Assembly to enact provisions which:

(1) Allow a qualified individual to vote in person in advance of election day at all elections. Advance voting may be permitted from the third Saturday before the election until the first Tuesday before the election excluding Sundays. The voting may be conducted at locations as necessary or desirable to balance reasonable access to advance voting; accountability, integrity, and security of the election; efficiency in the administration of the election; and appropriate and responsible uses of public funds and other resources. Certain restrictions on the release of voter identification information until after the regular election are specified. Advance voting cannot take place for any election held on or before January 1, 2014, in order to allow election authorities sufficient time to prepare. These provisions will not apply to absentee voting laws, and any law that conflicts with these provisions will not be valid or enforceable;

(2) Allow a person seeking to vote in person in a public election to be required to identify himself or herself and verify his or her qualifications as a citizen of the United States and a resident of Missouri by providing election officials with a form of identification which may include requiring a valid government-issued photo identification with certain exceptions; and

(3) Allow different requirements for absentee voting when the voter does not appear before the election authority.

If for any reason a portion, clause, or phrase of the resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, the entire resolution will be invalid and of no further force or effect.





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HCS SCS SB 366 — Missouri Cooperative Associations Act

**CORRECTIONS DEPARTMENT**

*See also Prisons and Jails*

SS#2 SCS HCS HB 111 — Judicial Procedures

SCS HCS HB 344 — Agriculture; Farm-to-Table Advisory Board

CCS#2 HCS SB 250 — Sexual Offenders

**COUNSELING** *See Mental Health***COUNTIES**

*See also Political Subdivisions*

SS#2 SCS HCS HB 89 — Natural Resources; County Drinking Water Supply Lake Authority

SS#2 SCS HCS HB 111 — Judicial Procedures; Iron County Hospital District Sales Tax

SS SCS HCS HB 161 — Certain Taxes Imposed by Political Subdivisions

SS SCS HB 184 — Political Subdivisions

SS SCS HB 209 — Nuisance Actions

HB 340 — County Facilities

HB 667 — Prostate Cancer Pilot Programs

SB 38 — Prostate Cancer Pilot Programs

HCS#2 SB 96 — Conveyances of State Property

HCS#2 SB 97 — Conveyances of State Property

CCS HCS#2 SCS SB 117 — Taxes Imposed by Political Subdivisions

HCS SB 187 — Nuisance Actions

CCS HCS SS SB 226 — Ambulance and Fire Protection Districts

**COUNTY GOVERNMENT**

HCS HB 70 — County Highway Commissions

**COUNTY OFFICIALS**

HCS HB 70 — County Highway Commissions

SS#2 SCS HCS HB 111 — Judicial Procedures

CCS SCS HB 142 — Political Subdivisions

SCS HB 186 — County Officers

HB 675 — County Coroner Training

HCS SCS SB 57 — Public Administrators

CCS HCS SB 59 — Judicial Procedures

CCS HCS#2 SCS SB 117 — Taxes Imposed by Political Subdivisions

CCS HCS SB 282 — Elections

**COURTS**

*See also Judges*

SS#2 SCS HCS HB 89 — Natural Resources; Judicial Review

CCS SCS HB 142 — Political Subdivisions

HB 199 — Community Service for Intoxication-related Traffic Offenses

SCS HCS HB 214 — Human Trafficking

HB 340 — County Facilities

CCS HCS SB 48 — Utilities

HCS SCS SB 57 — Public Administrators

SCS SB 188 — Unlawful Discriminatory Employment Practices

HCS SCS SB 213 — Incapacitated Persons and the Uniform Adult

Guardianship and Protective Proceedings Jurisdiction Act

SS#2 SCS SB 320 — Domestic Violence and Orders of Protection

HCS SS SCS SB 351 — Adoption Records

**COURTS, JUVENILE**

*See also Children and Minors*

SS#2 SCS SB 320 — Domestic Violence and Orders of Protection

HCS SS SCS SB 351 — Adoption Records

**CREDIT AND BANKRUPTCY**

*See also Banks and Financial Institutions; Consumer Protection*

SCS HB 661 — Debt Adjusters

SB 83 — Sale of Deficiency Waiver Addendums

**CREDIT UNIONS**

*See also Banks and Financial Institutions; Savings and Loan*

HCS HB 83 — Automated Teller Machine Surcharges

HCS HB 465 — Credit Unions

SS SB 306 — Credit Unions

**CRIMES AND PUNISHMENT***See also Victims of Crime*

SS#2 SCS HCS HB 111 — Judicial Procedures  
 SS SCS HB 209 — Nuisance Actions  
 SS HCS HB 213 — Late-term Abortions  
 SCS HCS HB 214 — Human Trafficking  
 SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 — Firearms  
 CCS SS SCS HCS HB 430 — Transportation  
 SCS HCS HB 641 — Controlled Substances  
 SCS HB 661 — Debt Adjusters  
 SCS SB 54 — Protection of Children from Sexual Offenders  
 SS SCS SB 65 — Late-term Abortions  
 SS SCS SB 113 & 95 — Dog Breeders  
 HCS SB 161 — Agriculture  
 HCS SB 187 — Nuisance Actions  
 SS#2 SCS SB 320 — Domestic Violence and Orders of Protection

**CRIMINAL PROCEDURE***See also Evidence; Victims of Crime*

SS#2 SCS HCS HB 111 — Judicial Procedures

**DENTISTS**

SS SCS HCS HB 555 — Health Care  
 SCS HB 591 — Limited Dental Teaching Licenses  
 HCS SB 325 — Professional Registration

**DISABILITIES***See also Guardians*

SCS HCS HB 300, 334 & 387 — Interscholastic Youth Sports Brain Injury Prevention Act  
 SS SCS HCS HB 555 — Health Care  
 SS SCS HCS HB 604 — Parental Rights, Foster Care, and Adoption  
 SCS HCS HB 631 — Designation of Tax Refunds to Certain Funds  
 SS#2 HB 648 — Individuals with Disabilities  
 HCS#2 SB 3 — Elections  
 CCS HCS SB 59 — Judicial Procedures  
 CCS SS SCS SB 70 — Missouri Family Trust  
 HCS SCS SB 213 — Incapacitated Persons and the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

**DOMESTIC RELATIONS***See also Family Law*

SS#2 SCS SB 320 — Domestic Violence and Orders of Protection

**DRUGS AND CONTROLLED SUBSTANCES***See also Pharmacy*

SS SCS HCS HB 73 & 47 — Temporary Assistance for Needy Families Program  
 SCS HCS HB 641 — Controlled Substances  
 SB 36 — Leave of Absence for Certain Civil Air Patrol Members

**DRUNK DRIVING/BOATING***See also Alcohol; Boats and Watercraft; Licenses-Liquor and Beer*

HB 199 — Community Service for Intoxication-related Traffic Offenses  
 CCS SS SCS HCS HB 430 — Transportation

**ECONOMIC DEVELOPMENT***See also Enterprise Zones*

SS SCS HCS HB 161 — Certain Taxes Imposed by Political Subdivisions  
 SCS HB 737 — Renewable Energy

CCS HCS#2 SCS SB 117 — Taxes Imposed by Political Subdivisions  
 HCS SB 161 — Agriculture

**ECONOMIC DEVELOPMENT DEPARTMENT**

SS#2 SCS HCS HB 89 — Natural Resources; Cleansfield Renewable Energy Demonstration Project  
 SCS HCS HB 344 — Agriculture; Farm-to-Table Advisory Board

**EDUCATION, ELEMENTARY AND SECONDARY***See also Teachers*

SS#2 SCS HCS HB 89 — Natural Resources; Mining Permits  
 SS#2 SCS HCS HB 111 — Judicial Procedures  
 SCS HCS HB 300, 334 & 387 — Interscholastic Youth Sports Brain Injury Prevention Act  
 CCS SS SCS HCS HB 430 — Transportation; Land Reclamation  
 SCS HCS HB 506 — Property Tax Levies  
 SS SCS HB 555 — Health Care; Disability History and Awareness Month  
 HB 795 — Missouri School Read-in Day  
 HJR 2 — Religious Freedom in Public Places  
 SCS SB 54 — Protection of Children from Sexual Offenders  
 CCS SCS SB 81 — Education

**EDUCATION, HIGHER**

HB 109 — Linked Deposits  
 SS SCS HB 137 — Conveyances of State Property  
 HCS HB 174 — Higher Education Governing Boards  
 HCS HB 223 & 231 — Higher Education Financial Assistance Programs  
 HCS SCS SB 163 — Higher Education Governing Boards

**ELDERLY***See also Guardians*

HCS#2 SB 3 — Elections

**ELECTIONS**

HB 217 — Electronic Voter Identification Verification Systems  
 HCS#2 SB 3 — Elections  
 CCS HCS SS SB 226 — Emergency Services; Ambulance District Board Recall Procedures  
 CCS HCS SB 282 — Elections  
 HCS#2 SJR 2 — Elections

**ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT**

SCS HCS HB 344 — Agriculture; Farm-to-Table Advisory Board  
 SS SCS HCS HB 555 — Health Care; Disability History and Awareness Month  
 CCS SCS SB 81 — Education

**EMBLEMS**

HB 749 — Child Abuse Prevention

**EMERGENCIES***See also Ambulances and Ambulance Districts*

HB 68 — Emergency Telephone Service  
 SS SCS HCS HB 161 — Certain Taxes Imposed by Political Subdivisions  
 CCS SS SCS HCS HB 430 — Transportation  
 SB 36 — Leave of Absence for Certain Civil Air Patrol Members  
 CCS HCS#2 SCS SB 117 — Taxes Imposed by Political Subdivisions  
 CCS HCS SS SB 226 — Ambulance and Fire Protection Districts



**EMINENT DOMAIN AND CONDEMNATION**

SS#2 SCS HCS HB 111 — Judicial Procedures

**EMPLOYEES - EMPLOYERS**

SS SCS HCS HB 265 — Professional Registration  
 SB 36 — Leave of Absence for Certain Civil Air Patrol Members  
 SCS SB 188 — Unlawful Discriminatory Employment Practices  
 HCS SB 325 — Professional Registration

**EMPLOYMENT SECURITY**

SS SCS HCS HB 163 — Unemployment Compensation

**ENERGY**

*See also Mining and Oil and Gas Production; Motor Fuel; Utilities*

SS#2 SCS HCS HB 89 — Natural Resources  
 HCS HB 354 — Emissions Inspection of Electric Drive Vehicles  
 SCS HB 737 — Renewable Energy  
 CCS HCS SB 48 — Utilities

**ENGINEERS**

CCS HCS SS SB 135 — Environmental Protections  
 HCS SB 220 — Architects, Professional Engineers, Land Surveyors,  
 Landscape Architects, Well Diggers, and Building Demolishers  
 HCS SB 325 — Professional Registration

**ENTERPRISE ZONES**

*See also Economic Development*

SCS HB 737 — Renewable Energy  
 CCS HCS SB 48 — Utilities

**ENTERTAINMENT, SPORTS, AND AMUSEMENTS**

*See also Parks and Recreation*

SS SCS HCS HB 265 — Professional Registration; Athletic Trainers  
 SCS HCS HB 300, 334 & 387 — Interscholastic Youth Sports Brain Injury  
 Prevention Act  
 SS SCS HCS HB 470 & 429 — Nonresident Entertainer and Professional  
 Athletic Team Member Income Tax

**ENVIRONMENTAL PROTECTION**

*See also Waste-Hazardous*

SS#2 SCS HCS HB 89 — Natural Resources  
 HCS HB 354 — Emissions Inspection of Electric Drive Vehicles  
 CCS SS HB 458 — Agriculture; Private Landowner Protection Act  
 SCS HCS HB 578 — Disposal of Used Tires  
 CCS HCS SS SB 135 — Environmental Protections

**ESTATES, WILLS, AND TRUSTS**

CCS SS HB 458 — Agriculture; Farmland Trust Act  
 CCS HCS SB 59 — Judicial Procedures  
 CCS SS SCS SB 70 — Missouri Family Trust  
 CCS#2 HCS SCS SB 356 — Agriculture; Farmland Trust Act

**EVIDENCE**

*See also Civil Procedure; Criminal Procedure*

SS#2 SCS HCS HB 111 — Judicial Procedures  
 SS#2 HB 648 — Individuals with Disabilities  
 CCS HCS SB 59 — Judicial Procedures  
 SCS SB 68 — Powers of the General Assembly  
 HCS SCS SB 213 — Incapacitated Persons and the Uniform Adult  
 Guardianship and Protective Proceedings Jurisdiction Act  
 SS SB 306 — Credit Unions  
 SS#2 SCS SB 320 — Domestic Violence and Orders of Protection

**EXCAVATION**

CCS HCS SB 173 — Transportation and Infrastructure  
 HCS SB 220 — Architects, Professional Engineers, Land Surveyors,  
 Landscape Architects, Well Diggers, and Building Demolishers  
 HCS SB 325 — Professional Registration

**FAMILY LAW**

*See also Children and Minors; Domestic Relations*

HB 260 — Uniform Interstate Family Support Act  
 SS SCS HCS HB 555 — Health Care  
 SS SCS HCS HB 604 — Parental Rights, Foster Care, and Adoption  
 SS#2 HB 648 — Individuals with Disabilities  
 SS#2 SCS SB 320 — Domestic Violence and Orders of Protection

**FEDERAL - STATE RELATIONS**

SS SCS HCS HB 45 — Small Business Tax Relief  
 SS SCS HCS HB 163 — Unemployment Compensation  
 HCS SS#2 SCS SB 62 — Health Care Providers

**FEES**

SS SCS HCS HB 45 — Small Business Tax Relief  
 SS#2 SCS HCS HB 89 — Natural Resources  
 CCS SCS HB 101 — Liquor Control  
 CCS SCS HB 142 — Political Subdivisions  
 SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 — Firearms  
 SCS HB 307 & HB 812 — Special License Plates  
 CCS SS SCS HCS HB 430 — Transportation  
 SCS HB 661 — Debt Adjusters  
 HCS SS#2 SCS SB 62 — Health Care Providers  
 CCS HCS SS SB 135 — Environmental Protections  
 HCS SB 161 — Agriculture  
 CCS HCS SB 282 — Elections

**FIRE PROTECTION**

SS SCS HCS HB 161 — Certain Taxes Imposed by Political Subdivisions  
 SS SCS HB 282 — Public Employee Retirement  
 SS SCS HCS HB 664 — Fire Fighter Benefits  
 SCS SB 108 — Installation of Fire Sprinklers in Certain Dwellings  
 CCS HCS#2 SCS SB 117 — Taxes Imposed by Political Subdivisions  
 HCS SS SB 118 — Sprinkler System Requirements for Long-term Care  
 Facilities  
 CCS HCS SS SB 226 — Emergency Services  
 SS SB 238 — Benefits for a Fire Fighter Incurring an Infectious Disease in  
 the Line of Duty

**FIREARMS AND FIREWORKS**

*See also Weapons*

SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 — Firearms

**FUNERALS AND FUNERAL DIRECTORS**

SS SCS HCS HB 265 — Professional Registration  
 HCS SB 325 — Professional Registration

**GENERAL ASSEMBLY**

SS SCS HB 137 — Conveyances of State Property  
 SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 — Firearms  
 CCS SS SCS HCS HB 430 — Transportation  
 HJR 2 — Religious Freedom in Public Places  
 SCS SB 54 — Protection of Children from Sexual Offenders  
 SCS SB 68 — Powers of the General Assembly  
 CCS#2 HCS SCS SB 356 — Agriculture

**GOVERNOR AND LT. GOVERNOR**

SS#2 SCS HCS HB 89 — Natural Resources; Consolidation of Services Report  
 HCS#2 SB 96 — Conveyances of State Property  
 HCS#2 SB 97 — Conveyances of State Property  
 CCS HCS SB 282 — Elections

**GUARDIANS**

*See also Children and Minors; Disabilities; Elderly*

SS#2 SCS HCS HB 111 — Judicial Procedures  
 CCS SCS HB 142 — Political Subdivisions  
 CCS HCS SB 59 — Judicial Procedures  
 HCS SCS SB 213 — Incapacitated Persons and the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act  
 SB 237 — Guardian Ad Litem Standards

**HEALTH CARE**

*See also Insurance-Medical; Medical Procedures and Personnel*

HB 151 — Designation of Tax Refunds to the Organ Donor Program Fund  
 SCS HCS HB 300, 334 & 387 — Interscholastic Youth Sports Brain Injury Prevention Act  
 HB 423 — Health Care Compact  
 SS SCS HCS HB 555 — Health Care  
 HB 667 — Prostate Cancer Pilot Programs  
 SB 38 — Prostate Cancer Pilot Programs

**HEALTH CARE PROFESSIONALS**

*See also Licenses-Professional; see also individual professions*

SCS HCS HB 300, 334 & 387 — Interscholastic Youth Sports Brain Injury Prevention Act  
 HCS SS#2 SCS SB 62 — Health Care Providers

**HEALTH DEPARTMENT**

SS#2 SCS HCS HB 89 — Natural Resources  
 HCS HB 197 — Umbilical Cord Blood Banking  
 SS HCS HB 213 — Late-term Abortions  
 SCS HCS HB 300, 334 & 387 — Interscholastic Youth Sports Brain Injury Prevention Act  
 SCS HB 388 — Patient Information Regarding Breast Implantations  
 HB 667 — Prostate Cancer Pilot Programs  
 SB 38 — Prostate Cancer Pilot Programs  
 SS SCS SB 65 — Late-term Abortions

**HEALTH, PUBLIC**

SS#2 SCS HCS HB 89 — Natural Resources  
 HB 182 — Colon Cancer Awareness Day

**HIGHER EDUCATION DEPARTMENT**

HCS HB 174 — Higher Education Governing Boards  
 HCS HB 223 & 231 — Higher Education Financial Assistance Programs  
 HCS SCS SB 163 — Higher Education Governing Boards

**HIGHWAYS AND ROADS**

HCS HB 70 — County Highway Commissions  
 SS SCS HB 184 — Political Subdivisions  
 CCS SS SCS HCS HB 430 — Transportation  
 SCS HB 798, HB 141, HB 153, HCS HB 363, HB 415 & HB 813 — Highway and Bridge Designations  
 SCS HB 1008 — Highway Infrastructure Improvement Agreements

HCS SB 77 — Outdoor Advertising and Memorial Highway Designations  
 HCS#2 SB 96 — Conveyances of State Property  
 HCS#2 SB 97 — Conveyances of State Property  
 CCS HCS SB 173 — Transportation and Infrastructure  
 SB 180 — Bicycling Awareness Observances

**HOLIDAYS**

HB 182 — Colon Cancer Awareness Day  
 SS SCS HCS HB 555 — Health Care; Disability History and Awareness Month  
 HB 749 — Child Abuse Prevention  
 HB 795 — Missouri School Read-in Day  
 SB 180 — Bicycling Awareness Observances

**HOSPITALS**

SS#2 SCS HCS HB 111 — Judicial Procedures; Hospital District Sales Tax  
 HCS SS#2 SCS SB 62 — Health Care Providers  
 CCS HCS#2 SCS SB 117 — Taxes Imposed by Political Subdivisions

**HOUSING**

*See also Manufactured Housing*

CCS SCS HB 142 — Political Subdivisions  
 SCS SB 108 — Installation of Fire Sprinklers in Certain Dwellings

**IDENTITY PROTECTION**

SS SCS HCS HB 73 & 47 — Temporary Assistance for Needy Families Program  
 HB 217 — Electronic Voter Identification Verification Systems  
 HCS#2 SB 3 — Elections

**INSURANCE DEPARTMENT**

SS SCS HCS HB 265 — Professional Registration  
 HCS HB 407 — Certificate of Insurance for Property and Casualty Insurance Coverage  
 HCS HB 465 — Credit Unions  
 SS SB 306 — Credit Unions

**INSURANCE - GENERAL**

SS SCS HB 184 — Political Subdivisions  
 HCS HB 407 — Certificate of Insurance for Property and Casualty Insurance Coverage  
 HCS SS SCS SB 132 — Certain Specialty Lines Insurance

**INSURANCE - MEDICAL**

*See also Health Care; Medicaid*

SCS HB 270 — State Employees' Health Insurance Benefits  
 SCS HCS HB 412 — Pharmacies  
 HCS SS#2 SCS SB 62 — Health Care Providers

**INSURANCE - PROPERTY**

HCS HB 407 — Certificate of Insurance for Property and Casualty Insurance Coverage  
 SB 101 — Residential Contractors

**INTERNET, WORLD-WIDE WEB, AND E-MAIL**

*See also Telecommunications*

SS SCS HCS HB 265 — Professional Registration  
 HCS#2 SB 3 — Elections  
 SCS SB 54 — Protection of Children from Sexual Offenders  
 CCS#2 HCS SCS SB 356 — Agriculture; Listing of Livestock Brands

**JACKSON COUNTY**

SS#2 SCS HCS HB 111 — Judicial Procedures  
 SS HB 339 — Telecommunications

**JUDGES**

*See also Courts*

SS#2 SCS HCS HB 111 — Judicial Procedures  
 CCS HCS SB 59 — Judicial Procedures  
 SCS SB 188 — Unlawful Discriminatory Employment Practices

**KANSAS CITY**

CCS SCS HB 101 — Liquor Control  
 CCS SCS HB 142 — Political Subdivisions  
 HB 183 — Kansas City Police and Civilian Employees' Retirement Systems  
 HB 229 — Public School Retirement System of Kansas City  
 SS SCS HB 282 — Public Employee Retirement  
 SS HB 339 — Telecommunications  
 CCS HCS SB 173 — Transportation and Infrastructure

**LAKES, RIVERS AND WATERWAYS**

*See also Boats and Watercraft*

SS#2 SCS HCS HB 89 — Natural Resources; County Drinking Water Supply  
 Lake Authority  
 SCS HB 737 — Renewable Energy  
 CCS HCS SS SB 135 — Environmental Protections

**LAW ENFORCEMENT OFFICERS AND AGENCIES**

SS SCS HCS HB 161 — Certain Taxes Imposed by Political Subdivisions  
 HB 183 — Kansas City Police and Civilian Employees' Retirement Systems  
 SS SCS HB 282 — Public Employee Retirement  
 SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 — Firearms  
 HB 358 — Police Retirement System of St. Louis  
 CCS HCS#2 SCS SB 117 — Taxes Imposed by Political Subdivisions  
 SS#2 SCS SB 320 — Domestic Violence and Orders of Protection

**LIABILITY**

*See also Bonds-Surety; Sovereign or Official Immunity*

SS SCS HB 184 — Political Subdivisions  
 HCS HB 220 — Real Estate Licensee Liability  
 SCS SB 54 — Protection of Children from Sexual Offenders  
 HCS SB 325 — Professional Registration

**LIBRARIES AND ARCHIVES**

*See also Arts and Humanities*

SS SCS HCS HB 161 — Certain Taxes Imposed by Political Subdivisions

**LICENSES - DRIVER'S**

*See also Motor Vehicles*

HB 204 — Driver's License Renewal for Military Personnel  
 CCS SS SCS HCS HB 430 — Transportation  
 HB 499 — Driver's License Competency Assessment

**LICENSES - LIQUOR AND BEER**

*See also Alcohol; Drunk Driving/Boating*

CCS SCS HB 101 — Liquor Control

**LICENSES - MISCELLANEOUS**

SS SCS SB 113 & 95 — Dog Breeders  
 HCS SB 161 — Agriculture  
 CCS#2 HCS SCS SB 356 — Agriculture

**LICENSES - MOTOR VEHICLE**

*See also Motor Vehicles*

SCS HB 307 & HB 812 — Special License Plates  
 CCS SS SCS HCS HB 430 — Transportation

**LICENSES - PROFESSIONAL**

*See also Health Care Professionals; see also names of individual professions*

HCS HB 136 — Unemployment Benefits and Courtesy Professional  
 Licenses for Certain Military Spouses  
 SS HCS HB 213 — Late-term Abortions  
 HCS HB 220 — Real Estate Licensee Liability  
 SS SCS HCS HB 265 — Professional Registration  
 SCS HCS HB 464 — State Boards, Commissions, Committees, and  
 Councils  
 SCS HB 591 — Limited Dental Teaching Licenses  
 SS SCS SB 65 — Late-term Abortions  
 HCS SB 220 — Architects, Professional Engineers, Land Surveyors,  
 Landscape Architects, Well Diggers, and Building Demolishers  
 CCS HCS SB 284 — Pharmacies  
 HCS SB 325 — Professional Registration

**LIENS**

HB 550 — Notice of Lien on Motor Vehicles, Trailers, Watercraft, and  
 Manufactured Homes  
 CCS HCS#2 SCS SB 117 — Taxes Imposed by Political Subdivisions  
 HCS SB 220 — Architects, Professional Engineers, Land Surveyors,  
 Landscape Architects, Well Diggers, and Building Demolishers  
 HCS SB 325 — Professional Registration

**MANUFACTURED HOUSING**

*See also Housing*

CCS SS SCS HCS HB 430 — Transportation  
 HB 550 — Notice of Lien on Motor Vehicles, Trailers, Watercraft, and  
 Manufactured Homes

**MEDICAID**

*See also Insurance-Medical; Public Assistance*

SS#2 HB 648 — Individuals with Disabilities  
 HCS SS#2 SCS SB 62 — Health Care Providers

**MEDICAL PROCEDURES AND PERSONNEL**

*See also Health Care*

HB 151 — Designation of Tax Refunds to the Organ Donor Program Fund  
 HCS HB 197 — Umbilical Cord Blood Banking  
 SS HCS HB 213 — Late-term Abortions  
 SCS HB 388 — Patient Information Regarding Breast Implantations  
 SCS HCS HB 552 — Blood Clotting Therapies  
 SS SCS SB 65 — Late-term Abortions

**MENTAL HEALTH**

SS SCS HCS HB 555 — Health Care  
 HCS HB 557 — Mental Health Earnings Fund

**MENTAL HEALTH DEPARTMENT**

SS SCS HCS HB 73 & 47 — Temporary Assistance for Needy Families  
 Program  
 SS SCS HCS HB 555 — Health Care  
 SS#2 HB 648 — Individuals with Disabilities

**MERCHANDISING PRACTICES***See also Business and Commerce*

- SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 — Firearms
- SCS HCS HB 344 — Agriculture; Commodity Merchandising Council Program
- SB 101 — Residential Contractors
- CCS#2 HCS SCS SB 356 — Agriculture; Commodity Merchandising Council Program

**MILITARY AFFAIRS***See also National Guard*

- HCS HB 136 — Unemployment Benefits and Courtesy Professional Licenses for Certain Military Spouses
- SCS HB 149 — Missouri Military Family Relief Fund
- HB 204 — Driver's License Renewal for Military Personnel
- SCS HB 307 & HB 812 — Special License Plates
- SB 36 — Leave of Absence for Certain Civil Air Patrol Members

**MINING AND OIL AND GAS PRODUCTION***See also Energy; Motor Fuel*

- SS#2 SCS HCS HB 89 — Natural Resources
- CCS SS SCS HCS HB 430 — Transportation

**MORTGAGES AND DEEDS***See also Conveyances and Easements; Property, Real and Personal*

- SB 83 — Sale of Deficiency Waiver Addendums
- CCS HCS#2 SCS SB 117 — Taxes Imposed by Political Subdivisions

**MOTELS AND HOTELS**

- SS SCS HCS HB 161 — Certain Taxes Imposed by Political Subdivisions

**MOTOR CARRIERS***See also Railroads*

- CCS SS SCS HCS HB 430 — Transportation

**MOTOR FUEL***See also Energy; Mining and Oil and Gas Production*

- CCS HCS SS SB 135 — Environmental Protections

**MOTOR VEHICLES***See also Aircraft and Airports; Boats and Watercraft; Licenses-Motor Vehicle; Transportation*

- HB 199 — Community Service for Intoxication-related Traffic Offenses
- HCS HB 354 — Emissions Inspection of Electric Drive Vehicles
- CCS SS SCS HCS HB 430 — Transportation
- HB 550 — Notice of Lien on Motor Vehicles, Trailers, Watercraft, and Manufactured Homes
- HCS SS SCS SB 132 — Certain Specialty Lines Insurance

**NATIONAL GUARD***See also Military Affairs*

- HCS HB 136 — Unemployment Benefits and Courtesy Professional Licenses for Certain Military Spouses
- HB 204 — Driver's License Renewal for Military Personnel

**NATURAL RESOURCES DEPARTMENT**

- SS#2 SCS HCS HB 89 — Natural Resources
- HB 190 — Cash Transactions by the Department of Natural Resources
- CCS SS SCS HCS HB 430 — Transportation
- CCS HCS SS SB 135 — Environmental Protections

**NEWSPAPERS AND PUBLICATIONS**

- CCS SS HB 458 — Agriculture; Livestock Brand Book
- CCS HCS SB 282 — Elections
- CCS#2 HCS SCS SB 356 — Agriculture; Livestock Brand Book

**NUISANCES**

- CCS SCS HB 142 — Political Subdivisions
- SS SCS HB 209 — Nuisance Actions
- SCS HCS HB 578 — Disposal of Used Tires
- HCS SB 187 — Nuisance Actions

**NURSES**

- HCS HB 223 & 231 — Higher Education Financial Assistance Programs
- HCS SB 325 — Professional Registration

**NURSING AND BOARDING HOMES**

- HCS SS#2 SCS SB 62 — Health Care Providers
- HCS SS SB 118 — Sprinkler System Requirements for Long-term Care Facilities

**PARKS AND RECREATION***See also Entertainment, Sports and Amusements*

- SS#2 SCS HCS HB 89 — Natural Resources; County Drinking Water Supply Lake Authority
- CCS SCS HB 142 — Political Subdivisions
- SCS HCS HB 641 — Controlled Substances
- CCS HCS SS SB 135 — Environmental Protections

**PHARMACY***See also Drugs and Controlled Substances*

- SS SCS HCS HB 265 — Professional Registration
- SCS HCS HB 412 — Pharmacies
- SCS HCS HB 552 — Blood Clotting Therapies
- HCS SS#2 SCS SB 62 — Health Care Providers
- CCS HCS SB 284 — Pharmacies
- HCS SB 325 — Professional Registration

**PHYSICIANS**

- HCS HB 197 — Umbilical Cord Blood Banking
- SS HCS HB 213 — Late-term Abortions
- SS SCS HCS HB 265 — Professional Registration
- SCS HB 388 — Patient Information Regarding Breast Implantations
- SS SCS HCS HB 555 — Health Care
- SS SCS SB 65 — Late-term Abortions

**PLANNING AND ZONING**

- CCS SS SCS HCS HB 430 — Transportation

**POLITICAL PARTIES**

- CCS HCS SB 282 — Elections

**POLITICAL SUBDIVISIONS***See also Cities, Towns and Villages; Counties*

- HB 68 — Emergency Telephone Service
- SS#2 SCS HCS HB 89 — Natural Resources
- CCS SCS HB 142 — Political Subdivisions
- SS SCS HCS HB 161 — Certain Taxes Imposed by Political Subdivisions
- SS SCS HB 184 — Political Subdivisions
- SCS HCS HB 578 — Disposal of Used Tires
- SCS HB 737 — Renewable Energy
- HJR 2 — Religious Freedom in Public Places



CCS HCS#2 SCS SB 117 — Taxes Imposed by Political Subdivisions  
 HCS SS SCS SB 132 — Certain Specialty Lines Insurance  
 CCS HCS SS SB 135 — Environmental Protections

## PRISONS AND JAILS

*See also Corrections Department*

SCS HCS HB 38 — Work-off Rate for Municipal Prisoners and Notification of Jail Escapes  
 SS#2 SCS HCS HB 111 — Judicial Procedures; Electronic Monitoring  
 HB 199 — Community Service for Intoxication-related Traffic Offenses  
 HB 340 — County Facilities

## PROBATION AND PAROLE

HB 199 — Community Service for Intoxication-related Traffic Offenses  
 CCS#2 HCS SB 250 — Sexual Offenders  
 SS#2 SCS SB 320 — Domestic Violence and Orders of Protection

## PROPERTY, REAL AND PERSONAL

*See also Advertising and Signs; Conveyances and Easements; Mortgages and Deeds; Taxation and Revenue-Property*

SS#2 SCS HCS HB 89 — Natural Resources  
 CCS SCS HB 142 — Political Subdivisions  
 SS SCS HB 209 — Nuisance Actions  
 HCS HB 220 — Real Estate Licensee Liability  
 CCS SS HB 458 — Agriculture  
 SCS HB 737 — Renewable Energy  
 HCS#2 SB 96 — Conveyances of State Property  
 HCS#2 SB 97 — Conveyances of State Property  
 HCS SB 187 — Nuisance Actions

## PUBLIC ASSISTANCE

*See also Medicaid*

SS SCS HCS HB 73 & 47 — Temporary Assistance for Needy Families Program

## PUBLIC BUILDINGS

HJR 2 — Religious Freedom in Public Places  
 CCS HCS#2 SCS SB 117 — Taxes Imposed by Political Subdivisions

## PUBLIC OFFICERS

CCS SCS HB 142 — Political Subdivisions  
 SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 — Firearms

## PUBLIC RECORDS, PUBLIC MEETINGS

*See also Sunshine Law, Meetings and Records*

SS#2 SCS HCS HB 89 — Natural Resources; State Department Transparency  
 SS#2 SCS HCS HB 111 — Judicial Procedures  
 SS SCS HB 184 — Political Subdivisions

## PUBLIC SAFETY DEPARTMENT

CCS SCS HB 101 — Liquor Control  
 SCS HCS HB 214 — Human Trafficking  
 SS#2 SCS SB 320 — Domestic Violence and Orders of Protection

## PUBLIC SERVICE COMMISSION

SS#2 SCS HCS HB 89 — Natural Resources  
 CCS HCS SB 48 — Utilities

## RAILROADS

*See also Motor Carriers; Transportation*

SS SCS HB 209 — Nuisance Actions  
 HCS SB 187 — Nuisance Actions

## REDISTRICTING

CCS SS HCS HB 193 — Congressional Districts

## RELIGION

HJR 2 — Religious Freedom in Public Places

## RETIREMENT - LOCAL GOVERNMENT

HB 183 — Kansas City Police and Civilian Employees' Retirement Systems  
 SS SCS HB 282 — Public Employee Retirement  
 HB 358 — Police Retirement System of St. Louis  
 SS SCS HCS HB 664 — Fire Fighter Benefits  
 SS SB 238 — Benefits for a Fire Fighter Incurring an Infectious Disease in the Line of Duty

## RETIREMENT - SCHOOLS

HB 229 — Public School Retirement System of Kansas City

## RETIREMENT - STATE

SS SCS HB 282 — Public Employee Retirement

## RETIREMENT SYSTEMS AND BENEFITS - GENERAL

SS SCS HB 282 — Public Employee Retirement

## REVENUE DEPARTMENT

CCS SCS HB 101 — Liquor Control  
 SS#2 SCS HCS HB 111 — Judicial Procedures; Hospital District Sales Tax  
 SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 — Firearms  
 SCS HB 307 & HB 812 — Special License Plates  
 CCS SS SCS HCS HB 430 — Transportation  
 CCS HCS SB 282 — Elections

## REVISION BILLS

HCS HB 315 — Multiple Versions of State Statutes

## SAINT LOUIS

SS#2 SCS HCS HB 111 — Judicial Procedures  
 CCS SCS HB 142 — Political Subdivisions  
 SCS HB 186 — County Officers  
 SS SCS HB 282 — Public Employee Retirement  
 SS HB 339 — Telecommunications  
 HB 358 — Police Retirement System of St. Louis  
 SS SCS HCS HB 664 — Fire Fighter Benefits  
 HB 667 — Prostate Cancer Pilot Programs  
 SB 38 — Prostate Cancer Pilot Programs

## SAINT LOUIS COUNTY

SS#2 SCS HCS HB 111 — Judicial Procedures  
 SS HB 339 — Telecommunications

## SALARIES

HCS HB 70 — County Highway Commissions  
 SS SCS HB 184 — Political Subdivisions

## SAVINGS AND LOAN

*See also Banks and Financial Institutions; Credit Unions*  
 SCS HCS HB 464 — State Boards, Commissions, Committees, and Councils; Articles of Incorporation by Business Entities

## SCIENCE AND TECHNOLOGY

HCS HB 223 & 231 — Higher Education Financial Assistance Programs

## SECRETARY OF STATE

HCS#2 SB 3 — Elections  
 CCS HCS SB 282 — Elections  
 HCS SCS SB 366 — Missouri Cooperative Associations Act

**SEWERS AND SEWER DISTRICTS**

- SS#2 SCS HCS HB 89 — Natural Resources
- CCS SCS HB 142 — Political Subdivisions
- CCS HCS SB 48 — Utilities
- CCS HCS SB 173 — Transportation and Infrastructure

**SEXUAL OFFENSES**

- SS#2 SCS HCS HB 111 — Judicial Procedures
- SCS HCS HB 214 — Human Trafficking
- SCS SB 54 — Protection of Children from Sexual Offenders
- CCS#2 HCS SB 250 — Sexual Offenders

**SOCIAL SERVICES DEPARTMENT**

- SS SCS HCS HB 73 & 47 — Temporary Assistance for Needy Families Program
- SCS HCS HB 214 — Human Trafficking
- SS SCS HCS HB 431 — Foster Care and Adoption
- SS SCS HCS HB 604 — Parental Rights, Foster Care, and Adoption
- SCS SB 54 — Protection of Children from Sexual Offenders

**SOVEREIGN OR OFFICIAL IMMUNITY**

*See also Liability*

- SS SCS HB 184 — Political Subdivisions
- SCS SB 188 — Unlawful Discriminatory Employment Practices

**STATE DEPARTMENTS**

*See also names of individual departments*

- SS#2 SCS HCS HB 89 — Natural Resources; State Department Transparency
- SCS HCS HB 578 — Disposal of Used Tires

**STATE EMPLOYEES**

- SCS HB 270 — State Employees' Health Insurance Benefits

**STATE TAX COMMISSION**

- CCS HCS#2 SCS SB 117 — Taxes Imposed by Political Subdivisions

**SUNSHINE LAW, MEETINGS AND RECORDS**

*See also Public Records, Public Meetings*

- SS#2 SCS HCS HB 89 — Natural Resources; State Department Transparency
- SS#2 SCS HCS HB 111 — Judicial Procedures
- SS SCS HB 184 — Political Subdivisions

**SURVEYORS**

- HCS SB 220 — Architects, Professional Engineers, Land Surveyors, Landscape Architects, Well Diggers, and Building Demolishers
- HCS SB 325 — Professional Registration

**TAX CREDITS**

*See also Taxation and Revenue - Income*

- SCS HB 737 — Renewable Energy
- CCS HCS SB 48 — Utilities

**TAXATION AND REVENUE - GENERAL**

- SS SCS HCS HB 161 — Certain Taxes Imposed by Political Subdivisions
- SCS SB 19 — Corporate Franchise Tax
- CCS HCS SS SB 135 — Environmental Protections; Motor Fuel Tax

**TAXATION AND REVENUE - INCOME**

*See also Tax Credits*

- SS SCS HCS HB 45 — Small Business Tax Relief
- SCS HB 149 — Missouri Military Family Relief Fund
- HB 151 — Designation of Tax Refunds to the Organ Donor Program Fund
- SS SCS HCS HB 431 — Foster Care and Adoption
- SS SCS HCS HB 470 & 429 — Nonresident Entertainer and Professional Athletic Team Member Income Tax
- SS SCS HCS HB 604 — Parental Rights, Foster Care, and Adoption
- SCS HCS HB 631 — Designation of Tax Refunds to Certain Funds
- CCS SCS SB 81 — Education; Tax-Exempt Education Presentations
- CCS HCS SS SB 226 — Organ Donor Program Fund
- CCS#2 HCS SCS SB 356 — Agriculture

**TAXATION AND REVENUE - PROPERTY**

*See also Property, Real and Personal*

- SS SCS HCS HB 161 — Certain Taxes Imposed by Political Subdivisions
- SCS HCS HB 506 — Property Tax Levies
- SCS HB 737 — Renewable Energy
- SS SB 55 — Tax Classification of Sawmills

**TAXATION AND REVENUE - SALES AND USE**

- SS#2 SCS HCS HB 111 — Judicial Procedures; Hospital District Sales Tax
- SS SCS HCS HB 161 — Certain Taxes Imposed by Political Subdivisions
- SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 — Firearms
- CCS SS HB 458 — Agriculture
- CCS HCS SB 48 — Utilities
- CCS HCS#2 SCS SB 117 — Taxes Imposed by Political Subdivisions
- CCS HCS SB 173 — Transportation and Infrastructure
- CCS HCS SS SB 226 — Organ Donor Program Fund
- CCS HCS SB 284 — Pharmacies
- CCS#2 HCS SCS SB 356 — Agriculture

**TEACHERS**

*See also Education, Elementary and Secondary*

- SS#2 SCS HCS HB 111 — Judicial Procedures; Sexual Contact with a Student
- HB 229 — Public School Retirement System of Kansas City
- SCS SB 54 — Protection of Children from Sexual Offenders

**TELECOMMUNICATIONS**

*See also Internet, World Wide Web, and E-mail*

- HB 68 — Emergency Telephone Service
- SS#2 SCS HCS HB 111 — Judicial Procedures; Electronic Monitoring
- HB 217 — Electronic Voter Identification Verification Systems
- SS HCS HB 338 — Telecommunications
- SS HB 339 — Telecommunications

**TOURISM**

- SS SCS HCS HB 161 — Certain Taxes Imposed by Political Subdivisions

**TRANSPORTATION**

*See also Aircraft and Airports; Motor Vehicles; Railroads*

- CCS SS SCS HCS HB 430 — Transportation
- CCS HCS SB 173 — Transportation and Infrastructure
- SB 180 — Bicycling Awareness Observances

**TRANSPORTATION DEPARTMENT**

HB 484 — Missouri State Transit Assistance Program  
 SCS HB 1008 — Highway Infrastructure Improvement Agreements  
 HCS#2 SB 96 — Conveyances of State Property  
 HCS#2 SB 97 — Conveyances of State Property  
 CCS HCS SB 173 — Transportation and Infrastructure

**TREASURER, STATE**

HB 109 — Linked Deposits  
 CCS HCS SB 282 — Elections

**TREES AND OTHER PLANTS**

CCS SS HB 458 — Agriculture; Noxious Weeds  
 CCS#2 HCS SCS SB 356 — Agriculture; Noxious Weeds

**UNEMPLOYMENT COMPENSATION**

HCS HB 136 — Unemployment Benefits and Courtesy Professional  
 Licenses for Certain Military Spouses  
 SS SCS HCS HB 163 — Unemployment Compensation

**UNIFORM LAWS**

SS#2 SCS HCS HB 111 — Judicial Procedures; Uniform Adult  
 Guardianship and Protective Proceedings Jurisdiction Act  
 HB 260 — Uniform Interstate Family Support Act  
 CCS HCS SB 59 — Judicial Procedures  
 HCS SCS SB 213 — Incapacitated Persons and the Uniform Adult  
 Guardianship and Protective Proceedings Jurisdiction Act

**UTILITIES**

*See also Energy*  
 SCS HB 737 — Renewable Energy  
 CCS HCS SB 48 — Utilities

**VETERINARIANS**

SCS HCS HB 412 — Pharmacies  
 SS SCS SB 113 & 95 — Dog Breeders  
 HCS SB 161 — Agriculture  
 HCS SB 325 — Professional Registration

**VETOED BILLS**

SS SCS HB 184 — Political Subdivisions  
 CCS SS HCS HB 193 — Congressional Districts (veto overridden)  
 SS SCS HB 209 — Nuisance Actions  
 SCS HB 256 — Basic Civil Legal Services Fund  
 CCS SS SCS HCS HB 430 — Transportation  
 HCS HB 465 — Credit Unions  
 HB 484 — Missouri State Transit Assistance Program  
 SCS HB 1008 — Highway Infrastructure Improvement Agreements  
 HCS#2 SB 3 — Elections  
 HCS SS SB 118 — Sprinkler System Requirements for Long-term Care  
 Facilities  
 HCS SCS SB 163 — Higher Education Governing Boards  
 SCS SB 188 — Unlawful Discriminatory Employment Practices  
 HCS SB 220 — Architects, Professional Engineers, Land Surveyors,  
 Landscape Architects, Well Diggers, and Building Demolishers  
 CCS HCS SB 282 — Elections

**VICTIMS OF CRIME**

*See also Crimes and Punishment; Criminal Procedure*  
 SCS HCS HB 214 — Human Trafficking  
 SCS SB 54 — Protection of Children from Sexual Offenders

**VITAL STATISTICS**

HCS SB 325 — Professional Registration

**WASTE - HAZARDOUS**

*See also Environmental Protection*  
 CCS HCS SS SB 135 — Environmental Protections

**WASTE - SOLID**

SCS HCS HB 578 — Disposal of Used Tires

**WATER RESOURCES AND WATER DISTRICTS**

SS#2 SCS HCS HB 89 — Natural Resources  
 HB 109 — Linked Deposits  
 CCS SCS HB 142 — Political Subdivisions  
 HCS HB 250 — Water Well Regulations  
 SCS HB 737 — Renewable Energy  
 CCS HCS SS SB 135 — Environmental Protections  
 HCS SB 220 — Architects, Professional Engineers, Land Surveyors,  
 Landscape Architects, Well Diggers, and Building Demolishers  
 HCS SB 325 — Professional Registration

**WEAPONS**

*See also Firearms and Fireworks*  
 SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 — Firearms





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